HOUSE OF REPRESENTATIVES—*Monday, August 6, 1984*

The House met at 12 o'clock noon.

Rev. William Siefkes, Lutheran Church of our Savior, Fullerton, CA, offered the following prayer:

Almighty God, in deepest gratitude we thank You for the privilege of living in this land which You have so richly blessed, and for the freedoms which, forgive us, we so often take for granted. We thank You for the men and women whom You have endowed with wisdom and courage, who under Your guidance shoulder the burden of leadership in these United States.

Today we especially remember with gratitude the life and work of CARL PERKINS who has served this assembly with devotion for so many years. We pray that his dedication to duty and his commitment to the needy will inspire all people to use their talents and abilities in service to others. May Your blessing be with his family and all those who mourn and may Your grace be with each of us all our days.

Finally, we pray, Heavenly Father, that Your presence and Your power may be very real and truly recognized by all who must make decisions affecting the lives of millions. May the words, "In God We Trust," which grace these Chambers, never become an empty motto but ever remain a proclamation of faith and a confession of need for Your continued grace and guidance. In Jesus' name. Amen.

THE JOURNAL

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

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1177. An act to amend title 4 of the United States Code to complete the official seal of the United States;

S.J. Res. 324. Joint resolution designating the month of November 1984 as "National Christmas Seal Month"; and

S.J. Res. 338. Joint resolution to congratulate the athletes of the U.S. Olympic team for their performance and achievements in the 1984 winter Olympic games in Sarajevo, Yugoslavia and the 1984 summer Olympic games in Los Angeles, CA.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR THE DISPOSITION OF CERTAIN UNDISTRIBUTED JUDGMENT FUNDS AWARDED THE CREEK NATION

The Clerk called the Senate bill (S. 1224) to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation.

There being no objection, the Clerk read the Senate bill, as follows:

S. 1224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding Public Law 90-506 and any other provision of law, any funds appropriated by Public Law 89-697 in satisfaction of a judgment awarded the Muscogee (Creek) Nation of Oklahoma in docket numbered 276 of the Indian Claims Commission which have not been distributed on the date of enactment of this Act (including all interest and investment income accrued thereon) shall be distributed by the Secretary of the Interior to the Muscogee (Creek) Nation of Oklahoma as needed to make expenditures for any plan or program authorized by ordinance of such Nation.

SEC. 2. (a) Notwithstanding Public Law 90-504 and any other provision of law, any funds appropriated by Public Law 89-16 in satisfaction of a judgment awarded the Creek Nation of Indians in docket numbered 21 of the Indian Claims Commission which have not been distributed on the date of enactment of this Act (including all interest and investment income accrued thereon) shall be used and distributed in accordance with the provisions of this section.

(b)(1) The Secretary of the Interior (hereinafter in this section referred to as the "Secretary") shall allocate—

(A) 81.6196 per centum of the funds described in subsection (a) to the Muscogee (Creek) Nation of Oklahoma, and

(B) 18.3804 per centum of the funds described in subsection (a) to the Eastern Creeks.

(2) The funds allocated to the Muscogee (Creek) Nation of Oklahoma under paragraph (1) shall be distributed to such Nation by the Secretary as needed to make expenditures for any plan or program authorized by ordinance of such Nation.

(3)(A) The funds allocated to the Eastern Creeks under paragraph (1) shall be held in trust and invested by the Secretary for the benefit of the Eastern Creeks.

SEC. 3. (a) If one or more of the Eastern Creek entities that have filed a petition for Federal acknowledgement are acknowledged to be an Indian tribe on or before December 30, 1984, such tribe or tribes shall be deemed to be a successor entity to the original Eastern Creek group for purposes of distribution of the residual funds in docket numbered 21, and the funds held in trust for the benefit of the Eastern Creeks under section 2 of this Act (including all interest and income accrued thereon) shall be distributed to such tribe or tribes by the Secretary as needed to make any expenditures for any plan or program authorized by ordinance or resolution of such tribe or tribes.

(b) If more than one tribal entity is recognized by the Secretary, such funds shall be prorated between the tribes on the basis of their respective base membership rolls on the date of acknowledgement.

(c) If none of the Eastern Creeks which have filed a petition for acknowledgement are recognized as an Indian tribe by the Secretary prior to December 30, 1984, the funds held in trust for the Eastern Creeks under this Act (including all interest and income accrued thereon) shall be distributed by the Secretary in the form of per capita payments in addition to any amount appropriated in satisfaction of a judgment awarded the Eastern Creeks in dockets numbered 275 of the Indian Claims Commission.

SEC. 4. If Federal recognition as an Indian tribe is extended to any Eastern Creek entity prior to distribution of the funds awarded in docket numbered 272 and 275, such tribe or tribes shall be entitled to amend the existing distribution plans for these awards by filing with the Secretary an alternative distribution plan for its proportionate share of funds in these dockets.

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

TECHNICAL AMENDMENTS TO THE FEDERAL COURTS IMPROVEMENT ACT OF 1982

The Clerk called the bill (H.R. 4222) to make certain technical amendments with respect to the court of appeals for the Federal circuit, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 4222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Technical Amendments to the Federal Court Improvements Act".

SEC. 2. Section 1292(b) of title 28, United States Code, is amended by inserting "which would have jurisdiction of an appeal of such action" after "The Court of Appeals".

SEC. 3. Section 337(c) of the Tariff Act of 1930 (19 U.S.C. 1337(c)) is amended in the fourth sentence by inserting ", within 60 days after the determination becomes final," after "appeal such determination".

SEC. 4. (a) Sections 142, 143, and 144 of title 35, United States Code, are amended to read as follows:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

"§ 142. Notice of appeal

"When an appeal is taken to the United States Court of Appeals for the Federal Circuit, the appellant shall file in the Patent and Trademark Office a written notice of appeal directed to the Commissioner, within such time after the date of the decision from which the appeal is taken as the Commissioner prescribes, but in no case less than 60 days after that date.

"§ 143. Proceedings on appeal

"With respect to an appeal described in section 142 of this title, the Commissioner shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the Patent and Trademark Office. The court may request that the Commissioner forward the original or certified copies of such documents during pendency of the appeal. In an ex parte case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.

"§ 144. Decision on appeal

"The United States Court of Appeals for the Federal Circuit shall review the decision from which an appeal is taken on the record before the Patent and Trademark Office. Upon its determination the court shall issue to the Commissioner its mandate and opinion, which shall be entered of record in the Patent and Trademark Office and shall govern the further proceedings in the case.".

(b) Paragraphs (2), (3), and (4) of subsection (a) of section 21 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1071(a) (2), (3), and (4)), are amended to read as follows:

"(2) When an appeal is taken to the United States Court of Appeals for the Federal Circuit, the appellant shall file in the Patent and Trademark Office a written notice of appeal direct to the Commissioner, within such time after the date of the decision from which the appeal is taken as the Commissioner prescribes, but in no case less than 60 days after that date.

"(3) The Commissioner shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the Patent and Trademark Office. The court may request that the Commissioner forward the original or certified copies of such documents during pendency of the appeal. In an ex parte case, the Commissioner shall submit to that court a brief explaining the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.

"(4) The United States Court of Appeals for the Federal Circuit shall review the decision from which the appeal is taken on the record before the Patent and Trademark Office. Upon its determination the court shall issue its mandate and opinion to the Commissioner, which shall be entered of record in the Patent and Trademark Office and shall govern the further proceedings in the case.".

(c) The amendments made by this section shall apply to proceedings pending in the Patent and Trademark Office on the date of the enactment of this Act and to appeals pending in the United States Court of Appeals for the Federal Circuit on such date.

SEC. 5. Any individual who, on the date of the enactment of the Federal Courts Improvement Act of 1982, was serving as marshal for the Court of Appeals for the District of Columbia under section 713(c) of title 28, United States Code, may, after the date of the enactment of this Act, so serve under that section as in effect on the date of the enactment of the Federal Courts Improvement Act of 1982. While such individual so serves, the provisions of section 714(a) of title 28, United States Code, shall not apply to the Court of Appeals for the District of Columbia.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Technical Amendments to the Federal Courts Improvement Act of 1982".

SEC. 2. (a) Section 1292(b) of title 28, United States Code, is amended by inserting "which would have jurisdiction of an appeal of such action" after "The Court of Appeals".

(b) Section 1292(c)(1) of title 28, United States Code, is amended by inserting "or (b)" after "(a)".

SEC. 3. Section 337(c) of the Tariff Act of 1930 (19 U.S.C. 1337(c)) is amended in the fourth sentence by inserting ", within 60 days after the determination becomes final," after "appeal such determination".

SEC. 4. (a) Sections 142, 143, and 144 of title 35, United States Code, are amended to read as follows:

"§ 142. Notice of appeal

"When an appeal is taken to the United States Court of Appeals for the Federal Circuit, the appellant shall file in the Patent and Trademark Office a written notice of appeal directed to the Commissioner, within such time after the date of the decision from which the appeal is taken as the Commissioner prescribes, but in no case less than 60 days after that date.

"§ 143. Proceedings on appeal

"With respect to an appeal described in section 142 of this title, the Commissioner shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the Patent and Trademark Office. The court may request that the Commissioner forward the original or certified copies of such documents during pendency of the appeal. In an ex parte case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.

"§ 144. Decision on appeal

"The United States Court of Appeals for the Federal Circuit shall review the decision from which an appeal is taken on the record before the Patent and Trademark Office. Upon its determination the court shall issue to the Commissioner its mandate and opinion, which shall be entered of record in the Patent and Trademark Office and shall govern the further proceedings in the case.".

(b) Paragraphs (2), (3), and (4) of subsection (a) of section 21 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1071(a) (2), (3), and (4)), are amended to read as follows:

"(2) When an appeal is taken to the United States Court of Appeals for the Federal Circuit, the appellant shall file in the Patent and Trademark Office a written notice of appeal directed to the Commissioner, within such time after the date of the decision from which the appeal is taken as the Commissioner prescribes, but in no case less than 60 days after that date.

"(3) The Commissioner shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the Patent and Trademark Office. The court may request that the Commissioner forward the original or certified copies of such documents during pendency of the appeal. In an ex parte case, the Commissioner shall submit to that court a brief explaining the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.

"(4) The United States Court of Appeals for the Federal Circuit shall review the decision from which the appeal is taken on the record before the Patent and Trademark Office. Upon its determination the court shall issue its mandate and opinion to the Commissioner, which shall be entered of record in the Patent and Trademark Office and shall govern the further proceedings in the case.".

(c) The amendments made by this section shall apply to proceedings pending in the Patent and Trademark Office on the date of the enactment of this Act and to appeals pending in the United States Court of Appeals for the Federal Circuit on such date.

SEC. 5. Any individual who, on the date of the enactment of the Federal Courts Improvement Act of 1982, was serving as marshal for the Court of Appeals for the District of Columbia under section 713(c) of title 28, United States Code, may, after the date of the enactment of this Act, so serve under that section as in effect on the date of the enactment of the Federal Courts Improvement Act of 1982. While such individual so serves, the provisions of section 714(a) of title 28, United States Code, shall not apply to the Court of Appeals for the District of Columbia.

● Mr. KASTENMEIER. Mr. Speaker, I bring before the full House the bill H.R. 4222. The general purpose of the legislation is to correct several drafting flaws in the Federal Courts Improvement Act (Public Law 97-164), signed into law by President Reagan on April 2, 1982, and effective on October 1, 1982.

As you may recall, the Federal Courts Improvement Act created the U.S. Court of Appeals for the Federal Circuit [CAFC] by merging the preexisting U.S. Court of Claims with the former U.S. Court of Customs and Patent Appeals. The act further cre-

ated the U.S. Claims Court, pursuant to article I of the Constitution, from the former trial division of the Court of Claims. Finally, the act contained several significant improvements to Federal judicial machinery.

Before discussing H.R. 4222, I would be remiss if I did not notify my colleagues that the changes made to the Federal judicial branch by Public Law 97-164 are all working quite well. This observation is not only my own, but has also been made by representatives of the executive and judicial branches of Government. My subcommittee is monitoring quite closely whether the CAFC, a somewhat specialized court, is tilting one way or the other in the patent law area.

Let me now turn to an explanation of the legislation before us. For Members who want a more indepth explanation, I cite the House report (No. 98-619) that has been filed on this bill. In brief, H.R. 4222 cures four drafting defects.

First, the bill clarifies that a circuit court—including the Court of Appeals for the Federal Circuit—which has jurisdiction of an appeal has jurisdiction of the certification of a controlling question of law.

Second, the bill amends the Tariff Act to provide that an appeal from a final determination of the International Trade Commission must be taken within 60 days. The genesis of this section was H.R. 1291, introduced by the gentleman from Massachusetts [Mr. FRANK].

Third, the bill simplifies the procedures on appeals from the Patent and Trademark Office, U.S. Department of Commerce, to the CAFC mainly by eliminating the outmoded requirements of titles 15 and 35, United States Code, that the appellant set forth "reasons of appeal" when the appeal is filed. Chief Judge Howard Markey and Judge Giles Rich, two highly respected circuit judges on the CAFC, both with extensive experience in patent law, deserve commendation for bringing these administrative improvements to our attention.

Fourth, and finally, the bill provides that the individual who was serving as the marshal of the Court of Appeals for the District of Columbia—under 28 U.S.C. 713(c)—after October 1, 1982—the date of enactment of the Federal Courts Improvement Act—may continue to so serve.

H.R. 4222 is supported by the Judicial Conference of the United States, the U.S. Department of Commerce, and the U.S. Department of Justice. There is no opposition.

Before concluding, I should mention that the proposal will save the Federal Government approximately $100,000 annually.

I urge unanimous support and I yield back the balance of my time.●

● Mr. MOORHEAD. Mr. Speaker, I am not aware of any opposition to this legislation—hearings have been held, it was marked up at subcommittee and full committee and no opposition was expressed at any level.

H.R. 4222 does three things which are primarily technical in nature:

First, the 1982 act which established the new Court of Appeals for the Federal Circuit created an unintended situation of having interlocutory appeals in patent cases go to the geographic circuits and final appeals directed to the Court of Appeals for the Federal Circuit. H.R. 4222 would have both types of appeals go to the Court of Appeals for the Federal Circuit;

Second, the time limit for an appeal from the International Trade Commission [ITC] used to be 60 days, this was inadvertently removed and H.R. 4222 puts back into the law the 60-day time limit within which appeals for the ITC must be taken; and

Third, it simplifies procedures for appeals from the Patent and Trademark Office and also provides that the Commissioner of Patents does not have to transmit certified copies of documents to the courts but that a certified list of these documents will suffice unless the court specifically requests certified copies. This new procedure will save time and money.

I urge support for this legislation.●

The committee amendment was agreed to.

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

COOS, LOWER UMPQUA, AND SIUSLAW RESTORATION ACT

The Clerk called the bill (H.R. 5540) to provide for restoration of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, to institute for such tribes those Federal services provided to Indians who are recognized by the Federal Government and who receive such services because of Federal trust responsibility, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WORTLEY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

The SPEAKER. This concludes the call of the eligible bills on the Consent Calendar.

REV. WILLIAM F. SIEFKES

(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, it is my privilege and honor this morning to introduce to the House the Reverend William F. Siefkes, our chaplain for the day.

Reverend Siefkes graduated from Concordia Seminary in St. Louis, MO, in 1946. He has had an illustrious career as a parish pastor and serves as the pastor of my congregation in Fullerton, CA, the Lutheran Church of Our Saviour.

Prior to that he has served Lutheran congregations in Grand Forks, ND; Lamoure, ND; Minneapolis, MN; Ames, IA; Fontana, CA; and in Fullerton, CA.

He and his wife, Darlene, are the parents of three children, Cynthia Smith, Rob Siefkes, both of whom are in the Chamber today, and Jane Milender of Colton, CA.

We are delighted to have him with us and we appreciate the remarks he made at the beginning of our session in the prayer that he made for the country and the Members, and particularly for our deceased Member, CARL PERKINS.

GENERAL LEAVE

Mr. RATCHFORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bills just passed on the Consent Calendar.

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

There was no objection.

THE LATE HONORABLE CARL D. PERKINS

Mr. NATCHER. Mr. Speaker, I offer a privileged resolution (H. Res. 566) relating to the death of the Honorable CARL D. PERKINS and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 566

Resolved, That the House has heard with profound sorrow of the death of the Honorable CARL D. PERKINS, a Representative from the State of Kentucky.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER. The gentleman from Kentucky [Mr. NATCHER] is recognized for 1 hour.

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

Mr. Speaker, in offering this resolution, it is my sad duty to officially advise the House of the untimely death of our esteemed colleague, the Honorable CARL D. PERKINS of Kentucky. Having suffered a severe heart attack aboard a flight from Washington to Lexington, KY, he died on August 3, 1984, in Lexington. The funeral will be held at 11 a.m. on Tuesday, August 7, 1984, in the Knott County Central High School Gymnasium, with burial in the cemetery located outside of Hindman, KY, in Knott County.

He was a giant at the center of national power, but at all times he remained a modest man. He was a good man who served his country well. He remained always a man's man and he kept the common touch. A man who could be compared to the giant sturdy oak that grows on the rolling hillsides of Kentucky.

He was a fighter for social justice. He was a legislator for the common people he knew so well. His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and not to the best interest of our people.

In every position he held, either private or public, he achieved distinction. His character, his achievements and his faithful service will be an inspiration to generations yet to come.

CARL PERKINS was good for the State of Kentucky and for the United States.

Mr. Speaker, it is my intention to reserve time, following legislative business on September 11, 1984, after we return from our August recess, for those Members who care to do so, to speak out about CARL D. PERKINS and his great contributions to this country and to his fellow citizens.

Mr. ERLENBORN. Mr. Speaker, will the gentleman's yield?

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

Mr. ERLENBORN. Mr. Speaker, I rise with sadness in my heart to say a few words about CARL PERKINS, the late esteemed chairman of the Committee on Education and Labor, who for 36 years served in this House as the Representative of his beloved Seventh District of Kentucky.

CARL's passing is a great loss to the people of Kentucky, the Congress, and the Nation, and I feel a personal loss. The gentleman from Kentucky worked tirelessly and most successfully for the legislative goals in which he believed. His death is a special loss to the education community in this country because of his devoted, pioneering, and persevering leadership role in Federal education legislation.

I extend my condolences to CARL's wife and son, to his office and committee staff, to the people he so well represented, and to this body. Congress will not be the same without the venerable chairman of the Education and Labor Committee.

Mr. MAZZOLI. Mr. Speaker, will my friend, the gentleman from Kentucky, yield?

Mr. NATCHER. I yield, Mr. Speaker, to the gentleman from Louisville, KY, Mr. MAZZOLI.

Mr. MAZZOLI. Mr. Speaker, I thank my friend for yielding, and I thank my friend for having taken this moment to officially advise the House and the Nation of the passing of our dear friend and former colleague, CARL PERKINS, of eastern Kentucky.

When the gentleman from Kentucky who is now in the well came to the House 14 years ago, he came under the tutelage and under the wing of the gentleman from the Seventh District, CARL PERKINS. The gentleman from Kentucky [Mr. PERKINS] interceded with the then Ways and Means Committee which made the assignments, and the gentleman in the well was assigned to the Education Committee. So I served my first 4 years in Congress with my friend, the gentleman from Kentucky [Mr. PERKINS].

We will all have many hours on September 11 to recount the many stories we have of CARL PERKINS, and there are many that are humorous and some that are perhaps in their own way sad. But the gentleman from Kentucky who is now in the well will just simply say that the gentleman from Kentucky [Mr. PERKINS] was a strong influence on his legislative life and his personal life.

The loss of the gentleman from Kentucky is not just a loss to this body and to this Congress but it is a loss to the entire country and to the world because he was a leader in the education field and in the field of trying to help the little people, the small people, the people who just do not have people interceding for them.

Mr. Speaker, I certainly would extend to Mr. PERKINS' widow, to his son, State Representative Perkins, and to the entire family my profound sorrow at his passing and my condolences and my deep sympathies at this very grievous loss.

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

Mr. NATCHER. I yield to the majority leader, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, CARL PERKINS was a model of the legislator's art. He could be as flinty as the Kentucky hills from which he came, as down to earth as the stones that underlie those hills. Yet his mind was lofty, his dream was big.

He served his people with untiring devotion. He was indefatigable in his pursuit of educational excellence for all the children of this land, and generations yet unborn will be his beneficiaries.

So, Mr. Speaker, I join with my colleague, as I know all of us do in spirit, in lamenting his passing and in renewing our own dedication to those deep principles for which he stood so that the shadow he cast may continue to linger upon this land.

The SPEAKER. Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1429, SMALL BUSINESS DEVELOPMENT CENTER IMPROVEMENT ACT OF 1984

Mr. SMITH of Iowa submitted the following conference report and statement on the Senate bill (S. 1429) to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes:

CONFERENCE REPORT (H. Rept. No. 98-955)

The committee of conference on the disagreement votes of the two Houses on the amendment of the House to the bill (S. 1429) to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. This Act may be cited as the "Small Business Development Center Improvement Act of 1984".

SEC. 2. Section 21 of the Small Business Act is amended as follows:

(1) by adding at the end of paragraph (1) of subsection (a) the following: "The term of such grants shall be made on a calendar year basis or to coincide with the Federal fiscal year.";

(2) by striking paragraph (2) of subsection (a) and inserting the following:

"(2) The Small Business Development Center program shall be under the general management and oversight of the Administration, but with recognition that a partnership exists under this section between the Administration and the applicant for the delivery of assistance to the small business community. Services shall be provided pursuant to a negotiated cooperative agreement with full participation of both parties.

"(3) Except as provided in paragraph (4), the Administration shall require, as a condition to any grant (or amendment or modificiation thereof) made to an applicant under

this section that an additional amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government: Provided, That the additional amount shall not include any amount of indirect costs or in-kind contributions paid for under any Federal program, nor shall such indirect costs or in-kind contributions exceed 50 percent of the non-Federal additional amount: Provided further, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a $65,000,000 program based upon the population to be served by the small business development center as compared to the total population in the United States, or $200,000, whichever is greater.

"(4) In lieu of the matching funds required in paragraph (3), the Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 per centum cash and not more than 50 per centum of indirect costs and in-kind contributions as follows:

"(A) for grants for performance commencing on or after October 1, 1987 if the applicant is located in a state which received its grant for performance under this section on or before August 1, 1984;

"(B) for grants for performance commencing on or after October 1, 1988 if the applicant is located in a state which receives its initial grant for performance under this section commencing after August 1, 1984 and prior to October 1, 1986; and

"(C) for grants for performance commencing on or after October 1, 1986 if the applicant is located in a state which receives its initial grant for performance under this section commencing after October 1, 1986.

Provided, That this matching amount shall not include any indirect costs or in-kind contributions derived from any Federal program: Provided further, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a $65,000,000 program based upon the population to be served by the small business development center as compared to the total population in the United States, or $200,000 whichever is greater.";

(3) by striking from paragraph (1) of subsection (b) "During fiscal years 1981, 1982, and 1983, financial" and by inserting in lieu thereof "Financial";

(4) by inserting after the period at the end of the first sentence of paragraph (2) of subsection (c) the following: "The facilities and staff of each small business development center shall be located in such places as to provide maximum accessibility and benefits to the small businesses which the center is intended to serve.";

(5) by amending subparagraph (2)(A) of subsection (c) to read as follows:

"(A) a full-time staff, including a full-time director who shall have the authority to make expenditures under the center's budget and who shall manage the program activities;".

(6) by striking subsection (e) and inserting in lieu thereof the following:

"(e) The National Science Foundation is authorized and directed to cooperate with the Administration and with the small business development centers in developing and establishing programs to support the centers.";

(7) by striking from the second sentence of paragraph (2) of subsection (h) the word "quarterly" and inserting in lieu thereof "semiannually";

(8) by striking from paragraph (1) of subsection (i) the word "may" and inserting in lieu thereof "shall"; and

(9) by striking subsection (j) and inserting in lieu thereof the following:

"(j) Within six months of the date of enactment of the Small Business Development Center Improvement Act of 1984, the Administration shall develop and implement a program proposal for onsite evaluation of each small business development center. Such evaluation shall be conducted at least once every two years and shall provide for the participation of a representative of at least one other small business development center on a cost-reimbursement basis.".

SEC. 3. Section 20 of the Small Business Act is amended as follows:

"(1) by inserting the following after the second sentence in subsection (a): "For fiscal year 1986 and every year thereafter, there are hereby authorized to be appropriated such sums as may be necessary and appropriate to be available solely (1) to carry out the provisions and purposes of the small business development center program in section 21, but not to exceed the level as specified in subsection (a) of such section, (2) to pay the expenses of the National Small Business Development Center Advisory Board as provided in section 21(h), and (3) to reimburse centers for participation in evaluations as provided in section 21(j)."; and

"(2) by adding the following new subsection:

"(t) There are hereby authorized to be appropriated for fiscal year 1985, $30,000,000 to be available solely (1) to carry out the provisions and purposes of the small business development center program in section 21, (2) to pay the expenses of the National Small Business Development Center Advisory Board as provided in subsection 21(h), and (3) to reimburse centers for participation in evaluations as provided in subsection 21(j)."

SEC. 4. Section 204 of the Small Business Development Center Act of 1980 (Public Law 96-302), as amended, is further amended by striking "January 1, 1985" and by inserting in lieu thereof "October 1, 1990.".

SEC. 5. Section 7(d)(1) of the Small Business Act is amended to read as follows:

"(d)(1) The Administration shall not fund any small business development center or any variation thereof, except as authorized in section 21 of this Act.".

Amend the title so as to read "An Act to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes.".

And the House agree to the same.

PARREN J. MITCHELL,
NEAL SMITH,
J.P. ADDABBO,
JOSEPH M. MCDADE,
SILVIO O. CONTE,
Managers on the Part of the House.

L.P. WEICKER, Jr.,
ORRIN HATCH,
RUDY BOSCHWITZ,
DALE BUMPERS,
SAM NUNN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1429) to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The principal differences among the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. SBA GRANT MAKING AUTHORITY

Under existing law, SBA is authorized to make grants "to assist in establishing" small business development centers.

The Senate bill changes the purpose so that the grant would be made "to establish" small business development centers.

The House amendment does not change the stated purpose of the grant, but it does require that the term of the grant be made on a calendar year basis or to coincide with the Federal fiscal year.

The conference substitute retains the existing law and authorizes the grants to be made to assist in establishing small business development centers. It also requires that the term of the grant be made on a calendar year basis or to coincide with the Federal fiscal year.

2. NON-FEDERAL MATCHING REQUIREMENT

Under existing law, an applicant for an SBDC grant is required to match the amount of the grant. The match may be comprised of up to 50 percent in indirect costs or in in-kind contributions.

The Senate bill requires an applicant for a grant to operate a small business development center to match the amount of the grant in an equal amount with not less than 50 percent cash and not more than 50 percent in indirect costs and in-kind contributions.

The House amendment does not change the matching funds provision of existing law. It does limit the amount of part-time SBDC employees' salaries eligible for cash match purposes to no more than the amount paid to full-time employees.

The conference substitute requires an applicant for a grant to operate a small business development center to match the amount of the grant in an equal amount with not less than 50 percent cash and not more than 50 percent in indirect costs and in-kind contributions.

The conferees note that current law requires the applicant to provide matching funds derived exclusively from non-Federal sources in an amount equal to the amount to be awarded by the Administration. The conference agreement has amended the matching requirement to make it absolutely clear that, after the transition period, at least fifty percent of the applicant's match is to be in up-front cash to help ensure a more meaningful commitment to the program by the applicants.

In the thirty-two states and the District of Columbia in which the SBDCs exist today, the cash requirement is effective for grants for performance commencing on or after October 1, 1987.

In the other eighteen states, the new cash match requirement would be phased-in as follows:

—for grants for performance commencing on or after October 1, 1988 if the applicant is located in a state which receives its initial grant for performance under this section commencing after August 1, 1984 and prior to October 1, 1986; and

—for grants for performance commencing on or after October 1, 1986 if the applicant is located in a state which receives its initial grant for performance under this section commencing after October 1, 1986.

The House proposed restriction on part-time SBDC employees was deleted without prejudice. The conferees recognize the value which full-time employees provide to the counseling and continuity of the SBCC program. However, since precise information is not available on the extent to which SBDCs now utilize part-time workers, the conferees agree to obtain this information and will reexamine this important question.

3. SUNSET PROVISION ON PLAN REQUIREMENT

Under existing law, during fiscal years 1981 through 1983, a grant cannot be made to an SBDC if SBA's approval of such grant would be inconsistent with the plan for the area involved which has been adopted by the appropriate state agency and approved by SBA.

The Senate bill eliminates the fiscal year references and provides that the plan to be adopted by the appropriate state agency and approved by SBA before any grant is made to an SBDC must be a plan for the entire state. The Senate provision is designed to ensure that there is a single, preexisting plan demonstrating a comprehensive strategy for utilizing the SBDC program for providing management assistance to small business in that state.

The House amendment only eliminates the fiscal year references in existing law.

The conference substitute only eliminates the fiscal year references. The conferees are concerned about the potential proliferation of SBDCs within a state, or the commencement of services through an SBDC to one portion of a state, without an overall structural framework for providing and coordinating the delivery of management services within that state. SBA's implementation of the existing statutory provision should seek to require that overall strategy. The conferees believe that greater attention must be paid by state, agency and SBDC applicants to this important planning and coordinating function. The conferees intend to carefully study the agency's practice and monitor its future performance.

4. SBA PROGRAM REVIEW AUTHORITY

The Senate bill requires a grant applicant to provide information showing that the grant will not be used solely to duplicate or replace existing services.

The House amendment emphasizes that the SBDC program is a partnership between the Small Business Administration and the applicant, but under the general management and oversight of SBA.

The conference substitute emphasizes that the SBDC program is a partnership between the Small Business Administration and the applicant, but under the general management and oversight of the SBA. In addition, the conferees do not expect any state which receives a grant for an SBDC program to reduce funding for any other state program which helps small business simply because there is Federal grant money being made available to an SBDC.

5. SBDC LOCATION ACCESSIBILITY AND FULL-TIME STAFF AUTHORITY

The Senate bill provides that the facilities and staff of the SBDC shall be in areas that are located to maximize accessibility and services to the small business communities being served. It also requires a center to have a full-time staff and a staff director whose sole responsibility is to manage the activities and provide services to the program.

The House amendment requires each SBDC in-take center and each in-take subcenter to be located in easily accessible facilities in such places as shall provide maximum accessibility and benefits to the small business community. It also requires an SBDC to have a full-time staff, including a full-time director who has the authority to make expenditures under the center's budget and to manage the program activities. Finally, it also requires an SBDC to have a full-time director at each subcenter unless the level of activity makes it impractical to do so.

The conference substitute requires that facilities and staff shall be in areas that are located to maximize accessibility and services to the small business community. It also requires the center to have a full-time staff, including a full-time director who has the authority to make expenditures under the center's budget and who shall manage the program activities.

6. NATIONAL SCIENCE FOUNDATION

Under existing law the National Science Foundation and innovation centers supported by it are authorized and directed to cooperate with small business development centers. The National Science Foundation is required to report annually on the innovation centers.

The Senate bill provides that the National Science Foundation is authorized and directed to cooperate with the Administration in developing and establishing programs to support small business development centers. The reporting requirement is eliminated as is the reference to innovation centers, which no longer exist.

The House amendment contains no comparable provision.

The conference substitute provides that the National Science Foundation is authorized and directed to cooperate with the Administration and with small business development centers in developing and establishing programs to support the centers.

7. SBDC NATIONAL ADVISORY BOARD

Existing law establishes a National Small Business Development Center Advisory Board, consisting of nine members, which is required to meet at least quarterly and at the call of the Chairman of the Board.

The Senate bill reduces the mandatory meetings of the Board to at least semi-annually.

The House bill contains no comparable provision.

The conference substitute reduces the mandatory meetings of the National Small Business Development Center Advisory Board to at least semi-annually.

8. LOCAL ADVISORY BOARD

Existing law authorizes, but does not require, each SBDC to establish an advisory board to advise, counsel and confer with the SBDC director on all policy matters pertaining to the operation of the center.

The Senate bill changes existing law to require the establishment of such a board.

The House bill contains no comparable provision.

The conference substitute requires each small business development center to establish an advisory board.

9. SBDC PROGRAM EVALUATION AND PEER REVIEW

Existing law the Small Business Administration was required to do an evaluation of the SBDC program and to report on it to Congress in 1983.

The Senate bill strikes the required evaluation and report which has been completed and submitted to the Congress.

The House amendment also strikes the evaluation requirement. It requires, however, that SBA develop a proposal for a biannual on-site evaluation of each SBDC. The evaluation program shall also include provisions for the participation in the evaluation of representatives of at least one outside SBDC. The agency's proposal shall be completed and submitted to Congress by January 31, 1985.

The conference substitute eliminates the outdated evaluation and reporting requirement. It also requires SBA, within six months after enactment, to develop and implement a proposal for an on-site evaluation of each SBDC. The evaluation must be conducted at least every two years and provide for the participation in the evaluation of a representative of at least one other SBDC.

The conferees expect that the proposal will be formulated in consultation with representatives of the SBDCs and that the evaluation will be both qualitative and quantitative, will measure the effectiveness of the program and the cost of delivery, and will make an assessment of the benefits accruing to the areas served.

10. SBDC DATA SYSTEM

The House amendment requires SBA to continue at least until October 1, 1986 the current SBDC management information system. During this period, the administration may study development of an in-house computer system to replace the current management information system which is done by an outside company.

The Senate bill contains no comparable provision.

The conference substitute does not include this provision.

11. SBDC FUNDING PROVISIONS

The Senate bill updates a provision of existing law and prohibits SBA from funding any SBDC except as authorized in section 21 of the Small Business act which contains the statutory provisions for the SBDC program.

The House amendment does not contain any comparable provision.

The conference substitute updates existing law and prohibits SBA from funding any SBDC except as authorized in section 21 of the Small Business Act.

12. SBDC AUTHORIZATIONS

The Senate bill authorizes the appropriation of $30 million in fiscal year 1985, and $40 million in each of fiscal years 1986 and 1987, solely to carry out the SBDC program.

The House amendment authorizes the appropriation annually of such sums as may be necessary to (1) operate the SBDC program up to $65 milion annually, (2) pay the expenses of the National Small Business Development Center Advisory Board, (3) pay for contracting out for the SBDC manage-

ment information system, and (4) reimburse the SBDCs for participation in the evaluation of other SBDCs.

The Conference substitute authorizes the appropriation of $30 million for fiscal year 1985 to be available solely (1) to carry out the provisions and purposes of the small business development center program in seciton 21, (2) to pay the expenses of the National Small Business Development Center Advisory board as provided in subsection 21(h), and (3) to reimburse centers for participation in evaluations as provided in subsection 21(j). For fiscal year 1986 and every year thereafter, it authorizes the appropriation of such sums as may be necessary and appropriate to be available solely (1) to operate the SBDC program, (2) to pay the expenses of the National Small Business Development Center Advisory Board, and (3) to reimburse the SBDCs for participation in the evaluation of other SBDCs.

13. SUNSET OF THE SBDC PROGRAM

Under existing law, the SBDC program is repealed on January 1, 1985.

The Senate bill strikes the sunset provision, thereby making the SBDC program permanent.

The House amendment extends the sunset date to October 1, 1988.

The conference substitute extends the sunset date to October 1, 1990.

The conferees acknowledge that the pilot SBDC program enacted in 1980 has been very successful in providing management assistance to small business. In light of the substantial statutory and regulatory changes that are taking place in the SBDC program, a further sunset date was included only to ensure that the Congress, the Small Business Administration and the SBDC program managers would review the growth and development of the SBDC program.

14. EFFECTIVE DATE

The House amendment makes the Act effective October 1, 1984.

The Senate bill contains no comparable provision.

The conference substitutes does not delay the effective date of the bill.

15. TITLE OF ACT

The Senate bill provides that the title of the bill is "An Act to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes."

The House amendment provides that the title of the bill is "An Act to improve the Small Business Development Center program, and for other purposes."

The conference substitute provides that the title shall be "An Act to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes."

16. CITATION

The Senate bill does not provide a citation for the Act.

The House amendment provides that this Act may be cited as the "Small Business Development Center Improvement Act of 1984".

The conference substitute provides that this Act may be cited as the "Small Business Development Center Improvement Act of 1984".

PARREN J. MITCHELL,
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Managers on the Part of the House.

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ORRIN HATCH,
RUDY BOSCHWITZ,
DALE BUMPERS,
SAM NUNN,
Managers on the Part of the Senate.

MAKING IN ORDER ON WEDNESDAY, AUGUST 8, 1984, OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON S. 1429, SMALL BUSINESS DEVELOPMENT CENTER IMPROVEMENT ACT OF 1984

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that it shall be in order on Wednesday, August 8, 1984, or any day thereafter, to consider the conference report on the Senate bill (S. 1429) to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes, the provisions of rule XXVIII to the contrary notwithstanding.

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

There was no objection.

MAKING IN ORDER CONSIDERATION OF BUSINESS UNDER THE PRIVATE CALENDAR RULE ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Wednesday, August 8, 1984, it shall be in order to consider business under clause 6, rule XXIV, the Private Calendar rule.

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

There was no objection.

MAKING IN ORDER CONSIDERATION OF MOTIONS TO SUSPEND THE RULES ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Wednesday, August 8, 1984, it shall be in order for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause 1, rule XXVII.

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

There was no objection.

ADJOURNMENT TO WEDNESDAY, AUGUST 8, 1984

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Wednesday, August 8, 1984.

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

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING THE 5-MINUTE RULE ON WEDNESDAY AND THURSDAY NEXT

Mr. KASTENMEIER. 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 Wednesday and Thursday, August 8 and 9, 1984.

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

Mr. WORTLEY. Mr. Speaker, reserving the right to object, may I ask the gentleman, has this been cleared by the minority?

Mr. KASTENMEIER. Mr. Speaker, if the gentleman will yield, it has been cleared by the minority, and the request is made for the purpose of allowing the Committee on the Judiciary to mark up the sentencing bill.

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

The SPEAKER. Is there objection to the request of the gentleman form Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4222, which was passed on the Consent Calendar earlier today.

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

There was no objection.

INTRODUCTION OF PRIVATE BILLS FOR REDRESS OF MEDICAL MALPRACTICE

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

Mr. McNULTY. Mr. Speaker, early in the first session of the 98th Congress I introduced H.R. 1942, a bill to create the right of action for victims of military medical malpractice who are serving in the Armed Forces of the United States. As many Members know this right is now denied under the prevailing interpretation of the Federal Tort Claims Act in the Feres case. That bill, which has attracted the cosponsorship of 60 Members of the House is prospective only and would be limited to situations arising in peacetime and in other ways.

Mr. Speaker, since introducing H.R. 1942 a number of people from many States have contacted me and told me of their grievous problems that have resulted in their lives on account of the Feres doctrine. In human terms

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what has happened is they have lost loved ones to death or disabling injury under circumstances that strongly suggest medical neglect and a less than professional level of medical care. They have sought redress from the armed service involved and been frustrated. They then turn to private attorneys and are informed that under the Feres rule no legal action can be taken.

I have carefully investigated a number of these cases and it seems to me that the extraordinary remedy of a private bill, calling for relief of the individuals and their families is merited. So today I introduce five private bills. The families for whom this legislation represents an ultimate appeal, the only one remaining to them, come from Florida, Oklahoma, Virginia, New York, and Arizona.

Mr. Speaker, medical malpractice does not respect rank or service. One victim was a major general in the U.S. Air Force. Others were career enlisted men. One was in his first hitch with the U.S. Navy. What each has in common is that tragedy occurred when they sought medical care and that instead of help, lives were destroyed and families changed forever. What each has in common further is that the courts were closed to them. Every American ought to enjoy the full complement of civil rights, including due process of law. That right is not among those enjoyed by the men and women of our Armed Forces. To rectify these particular wrongs of the past I urge the prompt consideration of these private bills.

□ 1220

TRIBUTE TO THE LATE HONORABLE CARL PERKINS

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

Mr. RATCHFORD. Mr. Speaker, CARL PERKINS was certainly a man who truly believed that government could help people obtain the American dream, and he made that dream a reality and he made government work.

From the School Lunch Program, to education for the disadvantaged the student assistance for higher education, CARL PERKINS and the work he did as a member and chairman of the House Education and Labor Committee touched literally hundreds of thousands of lives. Many of these people will never know the work that he did and in fact many will never have heard of this Kentucky lawyer-legislator, but their lives and the lives of their children are better because of his dedication to that dream.

Mr. Speaker, I am proud to say that I served under CARL PERKINS on the Education and Labor Committee for 4 years, and I can truly say that behind his gentle smile and country manner was one tough negotiator, with a good heart.

Mr. Speaker, CARL PERKINS was a man who always had a vision of America, an America that remembers all of its citizens, and his lasting contributions to these citizens will not soon be forgotten.

A TRIBUTE TO THE LATE HONORABLE CARL PERKINS

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

Mr. BENNETT. Mr. Speaker, the death of Congressman CARL PERKINS is a tremendous shock to all of us. He was a champion of all those in need and he did his work with quiet and forceful dignity; but always with the obvious dedication to the idea of helping those who could not adequately help themselves. His 1963 Vocational Education Act is an example of his great achievements and of the spirit of his life. The landmark 1965 Elementary and Secondary Education Act is another example of his legislative leadership.

As chairman of the House Committee on Education and Labor, he insisted that Congress do its duty in those fields particularly under the jurisdiction of his committee but his work extended far beyond that jurisdiction. Our country and millions of our citizens have benefited from his wisdom and his perseverance in enacting needed legislation.

Mr. Speaker, I had the honor to come to Congress in the same year that CARL came here and we both came here shortly after military service in World War II. In the years of our joint service here in Congress, I have always been particularly pleased that he was a member of that group which came in 1949, which incidentally included our fine President Gerald Ford. Yes, CARL was respected by everyone who knew him and not just because of his great legislative achievements; but, in fact, mostly because of his fine spirit and his dedication to principle.

We in Congress express to his widow and to their son our deepest sympathy. We have lost a great statesman in this death; and they have lost too, a very much loved individual. He truly earned the love of every American.

TAXPAYERS' BILL OF RIGHTS

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

Mr. REID. Mr. Speaker, if there is one "universal" we can all appreciate it is the ubiquitous requirement of paying income tax. We all recognize this "duty" because our taxes provide the financial foundation for our Government.

However, with any system that is so complex it is easy to lose sight of, or cause abuses to, the individual—in this case, the taxpayer.

It is the need to protect taxpayers against such abuses by the Internal Revenue Service that has prompted me to cosponsor H.R. 242, the taxpayers' bill of rights.

This legislation addresses such problem areas as: Questionable tax enforcement practices, the appeals process for adverse IRS decisions, the prosecution of refund claims, and the filing of taxpayer complaints. One of the most important provisions, I believe, would prohibit performance evaluations of IRS personnel, based upon the amounts collected from taxpayers through audit and investigation.

I support this bill because this measure is one way to restore taxpayer confidence in our Nation's tax system.

PRAYER IN SCHOOL—WHOSE PRAYER?

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

Mr. WILLIAMS of Montana. Mr. Speaker, the Gallup Poll's annual survey of America's attitude about education was released last week. One of the important matters about which Americans were surveyed was that of prayer in the schools. Not surprisingly, 69 percent of Americans support prayer in the schools.

Not long ago in my home State of Montana we took a professional poll and we asked that same question; 55 percent of Montanans favored prayer in school.

We inquired further in that poll if Montanans favor verbal prayer in school with that prayer written by the school board. Only 16 percent favored that and 79 percent opposed it.

We went on to ask, "Do you favor prayer in school when that prayer is written by the individual teacher?"

Only 13 percent supported that, while 84 percent opposed it.

Yes, Americans and Montanans support prayer in school, but not mandatory prayer dictated by the State.

TRIBUTE TO THE LATE JOEL J. SOLOMON

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

Mr. LEVITAS. Mr. Speaker, I take this moment to note the death of Joel J. Solomon of the State of Tennessee who died on July 29.

Jay Solomon was a truly dedicated public servant and an American of great compassion.

I first knew Jay well when he served as Administrator of the General Services Administration and his integrity, his forthrightness and his ability to see wrong where it existed and to correct it, to find inefficiency where it existed and to improve it, were a hallmark of this fine man; but his qualities as a businessman, as a citizen, a philanthropist, as someone who had the strength of his convictions, really are what will make Jay Solomon an unforgettable person.

He was a friend of mine, but he was also a friend to all people, a person who believed in doing right things and seeing them accomplished.

My condolences to his family. His death is a loss not only to his friends and family, but to all Americans.

PLAGUE CASES ON THE INCREASE

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

Mr. RICHARDSON. Mr. Speaker, although plague may still be classified as a rare disease in the United States, the disease presents a unique hazard to public health in the Southwest and in the State of New Mexico. In the last year, there has been a dramatic increase in cases of plague in this country. Just last week, a 71-year-old Santa Fe man became New Mexico's first plague fatality this year—this marked New Mexico's seventh reported case of plague this year. New Mexico's latest plague victim had "septicemic" plague, a rare and more deadly form of the disease which attacks the bloodstream and is very difficult to diagnose. Plague, I am told, if untreated, has a 60-percent fatality rate. With current antibiotic therapy, the fatality rate is reduced to approximately 10 percent.

Plague was first discovered in the United States at the turn of the century. It is believed to have been imported from the Far East. Once in California, it spread into species of rural rodents. Plague can now be found in rodents throughout the American West. In New Mexico, the first documented case of rodent plague was discovered in 1938. Rodent plague has been found in 32 of New Mexico's 33 counties.

The first reported case of human plague in New Mexico was in 1949. Since then, New Mexico has reported 144 cases of human plague and consistently reports two-thirds of all plague cases in the United States; 26 cases were reported in 1983 and seven cases have been reported this year.

Mr. Speaker, I want to draw my colleagues' attention to my concern over this disease. I am told that in my home State of New Mexico plague cases are reported in a 5-year cycle that has been increasing in an exponential fashion. The next peak is expected in 1985.

In February of this year, the New Mexico Health and Environment Department in cooperation with the National Center for Disease Control sponsored an Ad Hoc National Plague Prevention and Control Committee meeting in Santa Fe. The committee pointed to the need to standardize investigation and reporting of all U.S. human plague cases. Subcommittees were appointed to develop surveillance forms for cooperative reporting of plague cases and field investigation by State and local health departments. Data submitted on these forms will then be analyzed by CDC and used for ongoing plague research.

In its conclusion, the committee recommended selective and increased commitment of both Federal and State funds for research and development of sound cost-effective surveillance and control methods in recognized human high-risk areas as an important first step toward reducing human plague morbidity and mortality.

Mr. Speaker, I wanted my colleagues to know that I will be investigating various funding sources to develop a national approach for additional research regarding plague prevention. Funding research now can lead to effective national control strategies rather than wasting limited public funds to satisfy the public demand for action.

A TRIBUTE TO THE LATE HONORABLE CARL PERKINS

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

Mr. BOUCHER. Mr. Speaker, the Congress is poorer today for the loss of our esteemed colleague and friend CARL PERKINS of Kentucky.

CARL PERKINS brought to this body a compassion as broad as the mountains that span his district in Kentucky and as caring as a mother concerned over the health of her young child.

As the author of the Elementary and Secondary Education Act and the Vocational Education Act, CARL PERKINS' efforts have enabled millions of young Americans from disadvantaged areas to obtain useful educations. These programs have been of tremendous benefit throughout the entire Appalachian region.

His commitment to our Nation's coal miners was evidenced through his authorship of Federal black lung legislation which enables coal miners who have sacrificed their health to receive just compensation.

Mr. Speaker, all of our colleagues are aware of CARL PERKINS' contributions to this body which strengthened our Nation's commitment to the disadvantaged and disabled. But I have a great personal affection for the man who literally took me by the hand when I arrived in Washington and guided me through the catacombs of the Capitol and the intricacies of the legislative process.

Mr. Speaker, CARL PERKINS will be missed by everyone who looks toward Congress as a body of compassion and good will, by our colleagues who value leadership and understanding, and by those whose lives CARL PERKINS touched as a man, a legislator, and a friend.

□ 1230

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, August 8, 1984.

TRUCK SAFETY ACT OF 1984

Mr. HOWARD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5568) to provide that the Secretary of Transportation may exempt segments of the Interstate System from the requirement that double trailer trucks be allowed to operate on all interstate highways and from certain truck length and width limitations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Truck Safety Act of 1984".

SEC. 2. (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Defense Highways" and by striking out "Secretary," and inserting in lieu thereof "Secretary of Transportation (hereinafter in the part referred to as the 'Secretary')".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Defense Highways".

(c) Section 411 of the Surface Transportation Assistance Act of 1982 is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after consultation with units of local government in which any segment of the Interstate System is located, determines that such segment is not capable of safely accommodat-

ing motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection or from both such subsections. The Governor shall transmit with such notification specific evidence of safety problems that supports such determination. The Governor also shall consult with the affected units of local government regarding any potential alternative route or routes that (A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), and (B) that serve the area in which such segment of the Interstate System is located, and shall transmit the findings of such consultation to the Secretary.

"(2) If the Secretary determines, upon request under paragraph (1) or on the Secretary's own initiative, that any segment of the Interstate System is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Secretary shall exempt such segment from such subsection or from both such subsections. The Secretary shall make a final determination whether or not to exempt a segment of the Interstate System under this subsection not later than 120 days after the date on which a request is made under paragraph (1) or the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (e) shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.

"(3) If the Secretary exempts any segment of the Interstate System from subsection (a) or (c) of this section, the Secretary shall consult with the affected units of local government for the purpose of determining any alternative route or routes that (A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), and (B) serve the area in which such segment of the Interstate System is located.".

(d) Section 412 of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than any segment thereof which is exempted under section 411(i) or 416(e))" after "Interstate and Defense Highway System".

(e) Section 416(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (e) of this section)" after "Defense Highways".

(f) Section 416(d) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (e) of this section)" after "Defense Highways".

(g) Section 416 of the Surface Transportation Assistance Act of 1982 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e)(1) If the Governor of a State, after consultation with units of local government in which any segment of the Interstate System is located, determines that such segment is not capable of safely accommodating motor vehicles having the width set forth in subsection (a), the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment. The Governor shall transmit with such notification specific evidence of safety problems that supports such determination. The Governor also shall consult with the affected units of local government regarding any potential alternative route or routes that (A) can safely accommodate motor vehicles having the width set forth in subsection (a), and (B) that serve the area in which such segment of the Interstate System is located, and shall transmit the findings of such consultation to the Secretary.

"(2) If the Secretary determines, upon request under paragraph (1) or upon the Secretary's own initiative, that any segment of the Interstate System is not capable of safely accommodating motor vehicles having the width set forth in subsection (a), the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment. The Secretary shall make a final determination whether or not to exempt a segment of the Interstate System under this subsection not later than 120 days after the date on which a request is made under paragraph (1) or the Secretary initiates action under this paragraph, as the case may be, with respect to such segment.

"(3) If the Secretary exempts any segment of the Interstate System from subsection (a) of this section, the Secretary shall consult with the affected units of local government for the purpose of determining any alternative route or routes that (A) can safely accommodate motor vehicles having the width set forth in subsection (a), and (B) serve the area in which such segment of the Interstate System is located.".

The SPEAKER. Is a second demanded?

Mr. PETRI. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New Jersey [Mr. HOWARD] will be recognized for 20 minute and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HOWARD].

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

Mr. Speaker, H.R. 5568, the Truck Safety Act of 1984, amends the Surface Transportation Assistance Act of 1982. Its purpose is to provide a means whereby the States, after consultation with units of local government, may request the Secretary of Transportation to exempt certain segments of the Interstate System from use by trucks having the length, width, and configuration mandated by the Surface Transportation Assistance Act of 1982.

The standard for either granting or denying the exemption is whether or not the Interstate segment of highway can safely accommodate the size of the trucks in question.

H.R. 5568 is an important piece of legislation, one that is crafted to enhance safety on the Nation's highways.

Mr. Speaker, this legislation is aimed primarily at about 67 miles of our Interstate System, those which are older highways and those which do not have the width of 12 feet or more as the rest of the System does have.

Mr. Speaker, H.R. 5568 is sponsored by the gentlewoman from New York [Ms. FERRARO] and others, and the gentlewoman from New York [Ms. FERRARO] is the author and main proponent of this legislation. She has exercised great skill and diligence in the handling of this legislation and in urging its adoption by the committee. She is here today to join with us in urging its adoption by the House.

It is my pleasure at this time to yield such time as she may consume to the gentlewoman from New York [Ms. FERRARO].

Ms. FERRARO. Mr. Speaker, I thank the distinguished gentleman from New Jersey for yielding time to me. I want to commend the gentleman, and the chairman of the Surface Transportation Subcommittee, the gentleman from California [Mr. ANDERSON], as well as the ranking minority members, Mr. SNYDER and Mr. SHUSTER, for their bipartisan support of this essential safety legislation.

Mr. Speaker, last year I introduced a bill to allow States to seek exemptions for segments of the Interstate Highway System that they believe cannot safely accommodate the longer, wider trucks now permitted to operate throughout the country.

When the bill was first introduced, there were many people who did not know that a number of interstate segments are woefully inadequate by today's design and safety standards. For example, in my own city of New York, there are interstate highways that lack acceleration or deceleration lanes, that have substandard shoulders or no shoulders at all, that have no climbing lanes on steep grades, and that have 10-foot-wide traffic lanes, instead of the 12-foot lane widths called for by current interstate standards.

These problems are not unique to New York; similar conditions exist in a number of older urban areas.

Notwithstanding this fact, under the present law States cannot prohibit the larger trucks from any interstate segment even if local, State, and Federal officials all agree that their operation constitutes a possible safety hazard. This rigid, inflexible approach is in marked contrast to the more flexible, commonsense approach used in deciding which highways on the primary system should be open to the larger trucks.

It seems to me only reasonable that the same safety considerations that were applied in deciding whether to permit larger trucks on segments of the primary system should be applied to segments on the Interstate System. That is what the bill before us today does.

Mr. Speaker, the procedure set forth in this bill is simple and straightforward. If the Governor of a State, after consultation with local government officials, believes that a particular interstate segment cannot safely accommodate the larger trucks, he or she may request that the Secretary of Transportation exempt the segment on the basis of safety considerations. These requests would have to be supported by specific evidence of safety problems. The Secretary would be required to make a determination whether to grant the exemption within 120 days of receipt of the information submitted by the Governor. The bill also requires that the Secretary consult with affected units of local government to determine alternative routes should an exemption be granted.

We've made a lot of progress over the past 15 months in making people more aware of the problem addressed in this legislation. I'm gratified that the approach embodied in this bill has been endorsed by the American Automobile Association, the U.S. Conference of Mayors, and the American Association of State Highway and Transportation Officials.

However, the biggest change has been the administration's recent decision to support this essential safety bill. In a July 25 letter to Chairman ANDERSON, the Department of Transportation states that:

> The authority to grant exemptions would provide us with greater administrative flexibility in implementing the STAA by permitting us to authorize the States to totally prohibit STAA-authorized vehicles on Interstate segments that meet the criteria of the bill. Therefore, . . . we believe that legislation such as H.R. 5568 would make our job easier.

Mr. Speaker, this legislation represents a reasonable and responsible approach. It does not challenge the new Federal truck size and weight standards. It does not return regulatory authority to the States. It does not provide for the granting of blanket exemptions. It does not impede interstate commerce.

What it does do is address the safety needs of the motorists of our country.

What it does is recognize what we all know to be true—that segments on the Interstate System vary tremendously with respect to their age, design features, and traffic volume. When local transportation officials feel that an interstate segment may be unsafe for larger trucks, I believe that we should provide a mechanism for addressing their concerns. We have done this for the Federal-aid primary system, and we should do no less for the Interstate System.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the floor manager of this bill, the gentleman from Arkansas, Mr. JOHN PAUL HAMMERSCHMIDT.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 5568 and commend it to my colleagues as a measure which demonstrates that we can pursue objectives of safety and improved transportation at the same time.

This bill simply says that the Secretary of Transportation, on his or her own initiative or on petition by a Governor backed up by specific evidence, can bar certain segments of the interstate system to certain types of vehicles on safety grounds.

This strikes me as completely reasonable. In enacting the Surface Transportation Assistance Act of 1982 and related legislation, we provided that States must allow tandem trucks, trailers, and semitrailers of certain minimum lengths, and vehicles 102 inches wide to operate on the interstate system.

We feel that the Secretary ought to have the kind of flexibility conferred by this bill, if there are instances in which it can be shown that there are safety problems in allowing certain trucks on a particular segment of interstate. We also provide that State Governors can initiate the process but assure that frivolous complaints cannot serve as grounds for making a segment off limits to larger trucks.

This bill is supported by the administration, which prefers a version reported by the Senate Commerce Committee, but nonetheless regards this as a suitable vehicle for getting into conference and moving this legislation. I also understand that the trucking industry has no objection.

□ 1240

So I urge the adoption of the bill. Again, I commend the chairman of our committee, the gentleman from New Jersey [Mr. HOWARD] for his initiative and for bringing this bill to the floor, and I thank the gentleman for yielding.

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to another cosponsor of the bill, the gentleman from Connecticut [Mr. RATCHFORD].

Mr. RATCHFORD. Mr. Speaker, I rise in support of H.R. 5568 as an original cosponsor of this bill, and wish to congratulate both the Public Works Committee and the gentlewoman from New York [Ms. FERRARO] for their good efforts on this issue.

Mr. Speaker, it is high time that Congress brought back some sanity to the policy of allowing tandem trailer trucks on interstate highways. For those of us who live in, and represent areas in the urban Northeastern United States, the provision of the Surface Transportation Assistance Act of 1982 which opened up all interstate highways to these larger trucks was a nightmare waiting to be dreamed, an accident waiting to happen.

More than 2 years ago, Congresswoman FERRARO, Congressman STEWART MCKINNEY, and Congresswoman BARBARA KENNELLY and I all introduced legislation to put a little more reason into the law. Our efforts involved giving the States more of a say on where tandems should and should not be allowed to go, both on interstates and other highways, and to give the Secretary of Transportation some discretion on this issue as well.

The Department of Transportation did back off on its proposals to allow tandems to run on primary and secondary highways, such as Route 7 in western Connecticut, but the Department could not and thus would not modify its requirement that tandems run on all interstate segments.

This bill is the result of House and Senate hearings on the issue, and I am pleased to note that the administration has finally agreed to support legislation such as this.

For those of us in the urban Northeast, with old, heavily traveled interstates like Route 95 in southern Connecticut, or the Brooklyn-Queens Expressway, or where the intersection of two interstates with local traffic like the I-84 and I-91 interchange in Hartford creates traffic flow nightmares, this legislation is absolutely essential for public safety.

Mr. Speaker, we should allow these bigger trucks to operate only where they can do so safely. We owe it to the driving public to keep safety in mind first. I urge support of this legislation.

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to another strong supporter of this legislation, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the chairman for yielding.

Mr. Speaker, I want to add my praise to the chairman and to the gentlewoman from Queens for their leadership on this bill. It is important, I think, in two regards.

First it is important in itself. It removes a safety hazard from roads where people ought to be able to travel without fear that there is a threat to their safety and it does it in another way that protects the economic interests of the Nation as a whole.

So to the gentlewoman from Queens and the committee for fashioning this legislation to meet a specific problem I want to add my congratulations.

I just wanted to talk for a brief point, however, about two of the general principles that make this an im-

portant piece of legislation over and above the specific point it deals with.

Mr. Speaker, one has to do with the question of Federal-State relations because there has been a kind of simplistic notion around that the answer to everything is to return powers to the States and sometimes there has been rhetoric from this administration that has acted as if the Federal Government is our enemy and we ought to be automatically dealing with the States.

What the Reagan administration has recognized and what this bill helps them with, because they did not get it quite right, is that there are issues where there has to be a Federal role. We ought to understand that what we are talking about here when we originally passed this legislation was the recognition that we are one Nation, that we have an interdependent economy and that in fact there is an important role for the Federal Government.

On the other hand, when the bill originally went through, it overshot and we found too much centralization had happened. The response, however, and this is the genius of this bill, was not simply to fractionalize again and to tear apart the centralized authority we needed, but in fact to empower those who sit in Washington to exercise their authority flexibly.

That was the genius of the solution that the gentlewoman from Queens put forward. It was her recognition that there is an important Federal role to be dealt with with regard to the economy but that we want State input.

In other words, it allows the system to be Federal where it ought to be Federal but to take into account local authority. This is not the most routine kind of legislation. It is a new path we are taking to say to the Federal Government:

> Here you are, you have got this authority. We will empower you, not force you, but empower you, with the understanding you will be reasonable about it, to take into account local affairs.

So for blending the Federal versus local role in this way, I think the gentlewoman from Queens deserves a great deal of credit. In addition, it shows how we can deal sensibly with the question of regulation. Regulation is an essential part of a sensible economy. Yes, it is important for us for economic gain to have an access by trucks as large as possible because there is a gain to the consumer and a gain to the economy when we package things most efficiently.

But we recognize also there are safety concerns that have to be taken into account. Again, what the gentlewoman from Queens has shown is that sensible people who recognize the need for economic activity but also under the role that regulation has to play, can come up with sensible compromises that allow both issues to have their force.

It allows for the thrust which is a centralized economy being served in the most efficient way possible by the delivery by trucks of appropriate size, but it allows for safety concerns.

So it is not only an important bill in itself. But balancing a couple of conundrums that we do not always deal with well, that is an important piece of legislation. I am glad we are passing it not only to resolve this dispute but I think it is a model for us dealing with Federal-State relations and in the conflicts we are told exist between economic and safety regulations.

My congratulations to the authors.

● Mrs. KENNELLY. Mr. Speaker, I strongly support H.R. 5568, the Truck Safety Act, before the House of Representatives today. This is a straightforward, commonsense measure to remedy a serious safety problem on our interstate highways. H.R. 5568 gives the Secretary of Transportation the authority to exempt segments of the Interstate Highway System from the Federal requirements on truck size where the trucks would be dangerous because of the their length, width, or configuration. I am an original cosponsor of the Truck Safety Act and I commend the bill's author, Representative FERRARO, for her hard work to ensure its passage.

The Surface Transportation Assistance Act of 1982 required that tandem trailer trucks and trucks of increased width and length be allowed on all interstate highways and all primary routes designated by the Secretary of Transportation regardless of prior State law. The STAA did not allow for any exceptions in the case of interstate highways, and this was a mistake. While a large proportion of the Interstate Highway System can probably accommodate the bigger, heavier, longer vehicles, and double—perhaps even triple—trailer trucks, there was no flexibility in the law to keep these trucks off the interstate system where they would pose a threat to motorists.

With the enactment of the Truck Safety Act, we will have the flexibility we need to get the big trucks off the road where they are particularly dangerous. Under the terms of H.R. 5568, a Governor would petition the Secretary of Transportation to ban trucks unsuitable for segments of the State's interstate highways. The Governor would be required to consult with local officials concerning the petition and would also be required to provide documentation of safety concerns. Likewise, the Secretary of Transportation on his or here own initiative could act to ban the bigger truck traffic from the interstates.

This measure is the least we can do to bring about a more reasonable balance between the needs of public safety and the demands of an efficient interstate transportation network. I would have preferred that we completely delayed the implementation of the law overriding State prohibitions on tandem trailer trucks until after we had better answers to the many questions about these truck's safety record and their potentially destructive effect on our roads. Representative BILL RATCHFORD and I had incorporated this approach into legislation we introduced earlier in this Congress. However, in the meantime, this is a good bill which will improve the law currently on the books. Again, I congratulate its author and the leadership of the Public Works and Transportation Committee for bringing it before the House of Representatives and urge its adoption.●

● Mr. DONNELLY. Mr. Speaker, today the House is considering H.R. 5568, the Truck Safety Act of 1984. As an original cosponsor of this legislation, I am pleased that this important matter of public safety is before the full House, and I urge my colleagues to support its enactment.

H.R. 5568 places in law a mechanism for States to petition the Secretary of Transportation for the exemption of segments of the Interstate Highway System from traffic of tandem-trailer trucks and other oversize trucks when the safety of the motoring public is threatened by their presence. The Secretary must respond to a State's petition for exemption within 120 days, after considering evidence supplied by the State of specific highway safety problems related to the presence of oversize trucks.

Enactment of H.R. 5568 is a most prudent and responsible way of insuring that the public safety is protected from extraordinarily hazardous driving conditions on crowded portions of the Interstate Highway System. The bill also serves an important function by fostering a more effective working relationship between the Federal Transportation Department and State and local governments.

I commend the gentlewoman from New York [Congresswoman FERRARO] for introducing this deserving legislation, and the leadership of the House Public Works and Transportation Committee for bringing this legislation before the full House today.●

● Mr. GREEN. Mr. Speaker, as an original cosponsor of H.R. 5568, I am pleased to support this important piece of truck safety legislation as it is debated today on the House floor.

As my colleagues will remember, the 1982 Surface Transportation Assistance Act raised the amount of Federal funds for infrastructure and mass transit through a 5-cent per gallon gas tax. Included in the legislation was a provision which allowed tandem trucks and trucks as wide as 102 inches to use certain noninterstate roads

built with Federal aid. The Department of Transportation identified about 165,000 miles of roads which are now available for truck travel.

Many of these roads found in New York are simply not safe for truck use. Many are too narrow, or too heavily traveled, or are simply not in the physical condition necessary to withstand heavy truck usage. These conditions are common in the Northeast, where many of the roads that trucks are now using are woefully inadequate by current engineering standards.

For this reason, I initially cosponsored Congresswoman FERRARO's H.R. 2530 which sought to allow individual States to seek exemptions for segments of the Interstate Highway System that they believe cannot safely accommodate the longer and wider trucks now permitted to operate nationwide. H.R. 5568 is the updated legislation before the Congress today which has slightly modified the original proposal. The legislation before us today permits the Secretary of Transportation to authorize exemptions on her own initiative should the need arise, and it authorizes exemptions of interstate segments from the width requirements of the Surface Transportation Assistance Act. It is clear that many roads in and around New York City should be exempt from the legislative standards set up in 1982.

Clearly, passage of this bill is necessary to protect our Nation's highway and small road users. It is a major piece of transportation safety legislation, and it is supported by the administration. I urge my colleagues to approve this bill in order to enhance the safety of our Nation's road users.●

Mr. HOWARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. ALEXANDER]. The question is on the motion offered by the gentleman from New Jersey [Mr. HOWARD] that the House suspend the rules and pass the bill, H.R. 5568, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1250

GENERAL LEAVE

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

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

There was no objection.

CIGARETTE SAFETY ACT OF 1984

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1880) to require persons who manufacture cigarettes or little cigars for sale or distribution in commerce to meet performance standards prescribed by the Consumer Product Safety Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cigarette Safety Act of 1984".

SEC. 2. (a) There is established the Interagency Committee on Cigarette and Little Cigar Fire Safety (hereinafter in this Act referred to as the "Interagency Committee") which shall consist of—

(1) the Chairman of the Consumer Product Safety Commission, who shall be the Chairman of the Interagency Committee;

(2) the Assistant Secretary of Health in the Department of Health and Human Services; and

(3) the Associate Director for Training and Fire Programs of the Federal Emergency Management Agency.

(b) The Interagency Committee shall direct, oversee, and review the work of the Technical Study Group on Cigarette and Little Cigar Fire Safety (established under section 3) conducted under section 4 and shall make such policy recommendations to the Congress as it deems appropriate. The Interagency Committee may retain and contract with such consultants as it deems necessary to assist the Study Group in carrying out its functions under section 4. The Interagency Committee may request the head of any Federal department or agency to detail any of the personnel of the department or agency to assist the Interagency Committee or the Study Group in carrying out its responsibilities. The authority of the Interagency Committee to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

(c) For the purposes of carrying out section 4, the Interagency Committee or Study Group, with the advice and consent of the Interagency Committee, may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Interagency Committee or the Study Group considers appropriate. For purposes of section 3507(c) of title 44, United States Code, the Interagency Committee and the Study Group shall be treated as if each was an agency listed in section 3502(10) of such title. In order to comply with the requirements of this Act concerning submission of its reports, the Interagency Committee and the Study Group may each invoke the expedited review procedures provided by section 3507(g) of such title to obtain decisions with respect to its collection of information.

SEC. 3. (a) There is established the Technical Study Group on Cigarette and Little Cigar Fire Safety (hereinafter in this Act referred to as the "Study Group") which shall consist of—

(1) one scientific or technical representative each from the Consumer Product Safety Commission, the Center for Fire Research of the National Bureau of Standards, the National Institutes of Health, the Federal Trade Commission, and the Federal Emergency Management Agency, the appointment of whom shall be made by the heads of those agencies;

(2) four scientific or technical representatives appointed by the Chairman of the Interagency Committee from a list of individuals submitted by the Tobacco Institute;

(3) two scientific or technical representatives appointed by the Chairman of the Interagency Committee who are selected from lists of individuals submitted by the following organizations: the American Burn Association, the American Public Health Association, and the American Medical Association;

(4) two scientific or technical representatives appointed by the Chairman of the Interagency Committee who are selected from lists of individuals submitted by the following organizations: the National Fire Protection Association, the International Association of Fire Fighters, the International Society of Fire Service Instructors, and the National Volunteer Fire Council; and

(5) one scientific or technical representative appointed by the Chairman of the Interagency Committee from lists of individuals submitted by the Business and Institutional Furniture Manufacturers Association and one scientific or technical representative appointed by the Chairman from lists of individuals submitted by the American Furniture Manufacturers Association.

(b) The persons appointed to serve on the Study Group may designate, with the advice and consent of the Interagency Committee, from among their number such persons to serve as team leaders, coordinators, or chairpersons as they deem necessary or appropriate to carry out the Study Group's functions under section 4.

SEC. 4. The Study Group shall undertake, subject to oversight and review by the Interagency Committee, such studies and other activities as it considers necessary and appropriate to determine the technical and commercial feasibility, economic impact, and other consequences of developing cigarettes and little cigars that will have a minimum propensity to ignite upholstered furniture or mattresses. Such activities include identification of the different physical characteristics of little cigars and cigarettes which have an impact on the ignition of upholstered furniture and mattresses, an analysis of the feasibility of altering any pertinent characteristics to reduce ignition propensity, and an analysis of the possible costs and benefits, both to the industry and the public, associated with any such product modification.

SEC. 5. The Interagency Committee shall submit one year after the date of enactment of this Act a status report to the Senate and the House of Representatives describing the activities undertaken under section 4 during the preceding year. The Interagency Committee shall submit a final technical report, prepared by the Study Group, to the Senate and the House of Representatives not later than thirty months after the date of enactment of this Act. The Interagency Committee shall provide to the Congress, within sixty days after the submission of the final technical report, any policy recommendations the Interagency Committee deems appropriate. The Interagency Committee and the Study Group shall terminate one month after submission of the policy recommendations prescribed by this section.

SEC. 6. (a) Any information provided to the Interagency Committee or to the Study

Group under section 4 which is designated as trade secret or confidential information shall be treated as trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code, and shall not be revealed, except as provided under subsection (b). No member of the Study Group or Interagency Committee, and no person assigned to or consulting with the Study Group, shall disclose any such information to any person who is not a member of, assigned to, or consulting with, the Study Group or Interagency Committee unless the person submitting such information specifically and in writing authorizes such disclosure.

(b) Subsection (a) does not authorize the withholding of any information from any duly authorized subcommittee or committee of the Congress, except that if a subcommittee or committee of the Congress requests the Interagency Committee to provide such information, the Chairman of the Interagency Committee shall notify the person who provided the information of such a request in writing.

(c) The Interagency Committee shall, on the vote of a majority of its members, adopt reasonable procedures to protect the confidentiality of trade secret and confidential information, as defined in this section.

SEC. 7. As used in this Act, the terms "cigarettes" and "little cigars" have the meanings given such terms by section 3 of the Federal Cigarette Labeling and Advertising Act.

SEC. 8. This Act shall take effect October 1, 1984.

The SPEAKER pro tempore (Mr. WILLIAMS of Montana). Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Utah [Mr. NIELSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

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

Mr. Speaker, the Cigarette Safety Act is intended to reduce the risk of upholstered furniture and mattress fires posed by cigarettes. Thousands of residential fires occur in this country each year due to the careless use of cigarettes. Thousands of deaths and serious injuries occur—often among nonsmokers—due to cigarettes igniting upholstered furniture or mattresses.

The legislation represents a compromise reached between representatives of the Tobacco Institute and supporters of the legislation. I want to commend the principle author of the proposal, the gentleman from Massachusetts [Mr. MOAKLEY], for his commitment to reducing the incidence of cigarette related fires and for the many hours has devoted to preparation of the bill that is now before the House.

H.R. 1880 provided for establishment of a 15-member technical study group to advise the Congress on the technical feasibility and side-effects of producing a fire-safe cigarette. The study group will be composed of five members representing the Consumer Product Safety Commission, Federal Emergency Management, Agency, National Cancer Institute, National Bureau of Standards, and Federal Trade Commission. Four members will represent the Tobacco Institute. Two members will represent the fire safety field. Two members will represent the Public Health Field. Two members will represent the furniture industry.

The activities of the technical study group will be supervised by an Interagency Committee on Cigarette and Little Cigar Fire Safety. The Interagency Committee will be chaired by the Chairman of the Consumer Product Safety Commission and include the Assistant Secretary of Health in the Department of Health and Human Services and the Associate Director for Training and Fire Programs of the Federal Emergency Management Agency.

The Interagency Committee will forward a technical report to the Congress not less than 30 months after enactment. The report will include the results of studies undertaken to determine the technical and commercial feasibility of developing cigarettes that are less likely to ignite upholstered funiture or matttress fires.

I urge Members' support for the legislation.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY], the primary author of this legislation.

Mr. MOAKLEY. Mr. Speaker, I rise in strong support of H.R. 1880, the Cigarette Safety Act, as reported from the Energy and Commerce Committee.

I wish to thank the chairman of the Subcommittee on Health and the Environment, and the chairman of the full Energy and Commerce Committee, for their support in bringing this legislation through committee, and to the floor for consideration. I can honestly attest to the fact that this legislation, which reflects a compromise between the supporters of fire-safe cigarette legislation and the interests of the tobacco industry, could not have been possible without their strong presence and leadership.

This legislation represents a historic step in the movement to eliminate fire deaths in the United States. We have made significant advances during the last 20 years in reducing the ignition propensity of carpeting, upholstered furniture, and mattresses. But our public policy should not be based solely on making our environment fireproof from the cigarette—we must ensure that flammable consumer products are manufactured so as to have a minimum propensity to ignite accidental fires. This compromise will help achieve a balanced public policy by determining whether it is technically and commercially feasible to produce fire-safe cigarettes.

It has been a long time since 1979 when I first introduced this legislation. At that time, a young family in my congressional district died in a fire that was caused by a cigarette. That family—the mother, father, and five children, the oldest of which was only 10—died a senseless death, a death which might have been prevented if cigarettes had been made fire-safe.

The debate over whether a cigarette can be made fire-safe, and whether a Government standard is necessary, is not resolved. Hopefully, with the passage of this legislation, we will take a dramatic step forward toward ending this debate, and getting on with the task of eliminating preventable fire deaths in this country.

This legislation would not have been possible had it not been for the many people representing the health community, fire service, public interest groups, media, and concerned citizens, who donated their time and effort to make this legislation possible.

I would also like to thank four individuals who made this legislation possible with their willingness to participate in the March 1983, hearing. Betty Brinkley, Maura Melody, and Jay and Carole Bondi, all suffered tragic losses as the result of cigarette fires and all showed tremendous courage in their willingness to come before the Subcommittee on Health and the Environment, to testify on their personal tragedies.

Like these individuals, there are many other people who helped make this compromise a reality and who deserve recognition—unfortunately, time does not allow us the opportunity to recognize all of them. I do, however, wish to personally thank Andrew McGuire, of the California-based Burn Council, and Art Delibert and Michael Morris, of the Washington, DC, based Citizens Committee for Fire Protection, for their long, diligent efforts to educate both Congress and the public to the seriousness of the cigarette-fire issue.

I wish to thank the American Burn Association, the National Fire Protection Association, the Phoenix Society, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the many national, State, and local volunteer and professional fire-fighting organizations, the many public health groups, and others who helped bring this issue to the public's attention.

I also wish to note the many States where fire-safe cigarette legislation has been considered over the last few years. Particularly, the States of New York, California, Connecticut, and Oregon, have been, and continue to be, leaders on this issue.

I wish to thank the Tobacco Institute, who, although we did not always agree, worked closely with me and my staff over the past year to reach this agreement. They agreed to several provisions about which they had doubts, and altered their position on several occasions to accommodate our wishes.

The agreement, as reported from the committee, calls for an intergovernmental agency review of the cigarette fire issue with the assistance of the tobacco industry, the fire service, the medical community, and the furniture industry. Under the agreement, a technical study will be submitted to Congress within 30 months of the date of enactment and will answer all the relevant questions concerning product modification and the health consequences of that modification.

The legislation we are proposing is in every way a compromise, as neither the Tobacco Institute nor the supporters of fire-safe cigarette legislation are totally pleased with the language. It is, however, language which both sides can accept and support.

Let me make clear, this legislation will not simply be another study or a further delay in eliminating smoking related fires. The research that will be undertaken, is the same research which would have been undertaken under our original bill. At the end of the research, however, it will be the Congress, rather than the Consumer Product Safety Commission, which decides whether a governmental standard is warranted and appropriate.

The Tobacco Institute has assured me that if a satisfactory solution can be found, they will produce fire-safe cigarettes without governmental regulation. I fully intend to hold them to their word.

There is no single answer to the U.S. fire problem. We must move forward on many fronts, to combat arson, improve construction techniques, install sprinkler systems and smoke detectors, to name just a few. I am convinced, however, that the fire-safe cigarette is a necessary and crucial component of the fire prevention and safety formula. The fire-safe cigarette, if it is determined to be technically and commercially feasible by the study authorized by this legislation, will dramatically reduce the number of fire deaths and burn injuries in this country.

THE CIGARETTE-FIRE PROBLEM

In 1981 it was estimated that there were 63,518 residential fires in the United States resulting from the careless use of smoking materials. While careless smoking is not the No. 1 cause of fires, it is the No. 1 cause of fire deaths in the United States.

Over one-third of the fire deaths in the United States are caused by cigarette-ignited fires; 67.4 percent of the fire deaths in hotels and motels result from cigarette ignited fires. In 1981, 2,144 people lost their lives, 3,819 more were injured, and there was an estimated $305 million in property damage as a result of cigarette-ignited fires.

Research by the University of Michigan has established that cigarette fire victims—those that are admitted to burn trauma centers involved in the research—are disproportionately children and elderly. In fact, if one follows the news reports of cigarette fires, it becomes evident that cigarette fires do discriminate, and that the innocent child asleep, or the elderly person confined in a nursing home, is often the victim of someone else's carelessness.

Testimony received during the Subcommittee on Health and the Environment Hearings suggests that these figures may actually be low. A study, undertaken by Walter G. Berl and Byron M. Halpin of Maryland fire deaths between 1972–77, showed 44.4 percent of deaths occurred as the result of cigarette-ignited fires.

This and other testimony also indicated that while smoke detectors and upholstered furniture and bedding standards would reduce the loss from cigarette-ignited fires, they will not be completely successful. Even with the upholstered furniture industry's voluntary standard, it will take between 15 and 30 years before we can expect to have a largely fire-resistant furniture population. It was also noted that the elderly and small children, and those that are impaired because of inebriation, would have difficulty escaping from these fires even with the early warning of a smoke detector.

Typically, cigarette-ignited fires start in upholstered furniture and bedding in people's homes and apartments. Cigarette ignition of upholstered furniture can occur between 1 and 45 minutes after contact. Once upholstered furniture is ignited, the ignition may smolder inside the filling for up to several hours before an actual flame develops.

Two-thirds of residential fire deaths occur between the hours of 8 p.m. and 8 a.m., when most people are sleeping. Over half of these occur during the 4-hour period between midnight and 4 a.m. Fire department estimates show 38 percent of the deaths occur in fires burning over 40 minutes prior to detection.

In the Maryland study, 35 percent of the fatal fire victims had blood alcohol levels in excess of 0.1 percent—the legal definition of drunkenness in Maryland.

Subsequently, the most common fatal fire in America, consists of a cigarette carelessly discarded, most often in upholstered furniture or bedding. The person responsible has often been consuming alcohol. It smolders unnoticed. Heat is trapped in the crevices of the furniture or folds of the bedding and a fire starts. Other family members have often gone to bed in another part of the house. The alarm is given in the middle of the night by a neighbor or passerby seeing smoke or fire. The fire department arrives promptly, but too late to save the victims.

The answer is clear, we must break this deadly scenario by either making the environment fireproof or by modifying the consumer product which starts these fires. In my opinion, we must approach this problem from both sides. Unfortunately, the chronology of governmental actions regarding smoking-related fires indicates that we have ignored the cigarette's relationship in these fires and have concentrated on the environment almost exclusively. The result of the legislation we are considering today will be to balance this policy.

FEDERAL STUDY

H.R. 1880, as amended, is designed to undertake a comprehensive Federal study of the ignition propensity of cigarettes and little cigars to ignite upholstered furniture and mattresses.

The legislation would require an Interagency Committee, through a Technical Study Group, to report to Congress within 30 months on the technical and commercial feasibility, economic impact and other consequences of developing cigarettes and little cigars which have a minimum propensity to ignite upholstered furniture or mattresses. These activities will include the identification of the different physical characteristics of cigarettes and little cigars which have an impact on the ignition of upholstered furniture and mattresses, an analysis of the feasibility of altering any pertinent characteristics to reduce ignition propensity, and an analysis of the possible costs and benefits, both to the industry and the public, associated with any such product modification.

The Interagency Committee, composed of the Chairman of the Consumer Product Safety Commission—Chairman of the Interagency Committee, the Assistant Secretary for Health of the Department of Health and Human Services, and the Associate Director for Training and Fire Programs of the Federal Emergency Management Agency, will direct, oversee and review the work performed by the Technical Study Group. The Interagency Committee will also make policy recommendations to the Congress for further Federal involvement.

The Technical Study Group, composed of five technical Government representatives—representing the Consumer Product Safety Commission, the National Institutes of Health, the Center for Fire Research, the U.S. Fire Administration, and the Federal Trade Commission, four tobacco industry, two fire service, two public health, and two furniture industry

representatives, will prepare a report to Congress on the technical and commercial feasibility of "fire-safe" cigarettes.

I believe that it is essential that the Study Group operate in an open forum and seek advice, comment, and criticism from the scientific community. The composition of the Study Group was chosen to involve a cross-section of the organizations with a legitimate interest in the issue of cigarette-ignited fires. The composition of the Study Group is not inclusive of all interested parties and therefore I believe it is necessary for the Study Group to actively seek a public dialog on this research and analysis.

The mattress manufacturing industry will have a strong interest in the work of the Study Group, particularly since mattresses, as was discussed earlier, are the only home furnishings products that must meet a Federal flammability standard using a cigarette ignition test. The National Association of Bedding Manufacturers [NABM], which represents over 280 manufacturers of bedding products, has developed considerable technical expertise concerning mattress flammability and cigarette ignition. I hope that the Study Group will consult with NABM regularly during its deliberations and keep the association apprised of its progress.

It is also important that we recognize that the California Bureau of Home Furnishings may offer substantial assistance and expertise to the study group. Presently, California is the only State to have a mandatory cigarette flammability law for upholstered furniture—since 1975. The California Bureau of Home Furnishings has done more research on the cigarette as an ignition source than any other agency in the United States. Since 1974 more than 75 technical publications have been issued by the bureau in the area of upholstered furniture fires and, since 1970, more than 10,000 cigarette tests have been performed in the bureau's laboratory annually. The California Bureau of Home Furnishings has recently signed a contract with the State of Connecticut to develop a performance standard for fire-safe cigarettes for Connecticut. Again, I hope that the study group consults with the California Bureau of Home Furnishings regularly during its deliberations and to keep the bureau apprised of its progress and to regularly consult with other organizations which also have technical expertise relevant to its work.

I would like to make note of two studies which have been done on this issue. The first was done by the National Bureau of Standards' Center for Fire Research and is entitled "Development of a Candidate Test Method for the Measurement of the Propensity of Cigarettes to Cause Smoldering Ignition of Upholstered Furniture and Mattresses."

This NBS study covered both experimental and 30 commercially available brands of cigarettes. Several characteristics were noted as having an impact on the ignition potential of cigarettes. Among these were cigarette diameter, packing density and whether or not the cigarette had a filter.

Through this research, NBS has established a candidate test method. While NBS specifies that additional research is needed and that its study did not systematically review commercially available cigarettes, the study did establish that there are distinct differences in cigarettes and their likelihood to ignite upholstered furniture.

The second study is a study by the U.S. Testing Co. showing some dramatic differences between three cigarette brands which are presently on the market.

I believe that it is extremely important that the Interagency Committee and the study group continue the work which was begun at the National Bureau of Standards to develop a candidate test method. Clearly, we must have some mechanism to gauge the ignition propensity of cigarettes. Likewise, the study group must address the question of how we define a fire-safe cigarette. Although this term has been used generally to relate the issue, no clear definition of a product with a low propensity to ignite upholstered furniture and mattress has ever been established.

I also believe that we must have a detailed analysis of the products on the market to determine what the effects to the industry will be by any large-scale product modification which the industry may undertake if it is warranted.

When I first started talking about fire-safe cigarettes I met with a great deal of skepticism from both the public and some of my colleagues. Many believed that it was ludicrous to attempt to make a cigarette fire safe. The ability of a cigarette, when dropped on a chair, to not set the chair on fire, is not only possible in theory, but may be true of some of the cigarettes already on the market.

Mr. Speaker, again, I urge the House to adopt this compromise proposal which has been endorsed by all of the interested parties. It will cost the Federal Government very little, and it may have a tremendous impact on our efforts to eliminate fire deaths in this country.

□ 1300

Once again, Mr. Speaker, let me thank very much the subcommittee chairman, the gentleman from California [Mr. WAXMAN], for all of the work that he and his staff have done on this matter.

Mr. NIELSON of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1880 is a compromise bill, worked out between Mr. MOAKLEY and the Tobacco Institute. It establishes an Interagency Committee and a Technical Study Group to determine the feasibility of producing fire-safe cigarettes and little cigars. A report to Congress is required within 30 months of enactment.

Deaths, injuries, and property damage due to furniture and mattress fires caused by careless smoking are unacceptably high. It is important that we determine the feasibility of producing cigarettes that will have a minimum capacity to ignite furniture. I am happy that the Tobacco Institute supports this study. This bill is also strongly supported by the Consumer Product Safety Commission. I feel that the compromise bill we have before us is superior to the original bill because it calls for cooperation rather than imposition at Federal standard.

I urge my colleagues to vote for H.R. 1880.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 1880

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have permission to file a supplemental report on H.R. 1880.

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

Mr. NIELSON of Utah. Reserving the right to object, Mr. Speaker, this has been cleared by the minority, and we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

Mr. NIELSON of Utah. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 1880, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to establish an interagency committee and a technical study group on cigarette safety."

A motion to reconsider was laid on the table.

THE CHILDREN'S PRODUCTS SAFETY ACT OF 1984

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5818) to amend the Federal Hazardous Substances Act to apply the notice and repair, replacement, and refund provisions of that act to defective toys and other articles intended for use by children.

The Clerk read as follows:

H.R. 5818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "The Children's Products Safety Act of 1984".

SEC. 2. (a) Section 15(a) of the Federal Hazardous Substances Act (15 U.S.C. 1274(a)) is amended—

(1) by inserting "or if any toy or other article intended for use by children contains a defect which creates a substantial risk of injury to children (because of the pattern of the defect, the number of defective toys or other articles presenting the risk which were distributed in commerce, the severity of the risk, or otherwise)" after "(whether or not it was such at the time of its sale)";

(2) by striking out "such article or substance" and inserting in lieu thereof "such article", substance, or toy";

(3) by striking out "dealer of the article or substance" and inserting in lieu thereof "retailer of the article, substance, or toy";

(4) by amending paragraphs (1) through (3) to read as follows:

"(1) To give public notice that the article or substance is a banned hazardous substance or that the toy or other article intended for use by children contains a defect which creates a substantial risk to injury.

"(2) To mail such notice to each person who is a manufacturer, distributor, or retailer of such article, substance, or toy or other article that is intended for use by children.

"(3) To mail such notice to every person to whom the person giving the notice knows such article, substance, or toy or other article intended for use by children was delivered or sold."

(b) Section 15(b) of such Act is amended—

(1) by inserting "or if any toy or other article intended for use by children contains a defect which creates a substantial risk of injury to children (because of the pattern of the defect, the number of defective toys or other articles intended for use by children presenting the risk which were distributed in commerce, the severity of the risk, or otherwise)" after "(whether or not it was such at the time of its sale)";

(2) by striking out "dealer" and inserting in lieu thereof "retailer";

(3) by amending paragraphs (1) through (3) to read as follows:

"(1) If repairs to or changes in the article or substance may be made so that it will not be a banned hazardous substance or if repairs or changes in the toy or other article intended for use by children may be made so that it will not contain a defect which creates a substantial risk of injury to children, to make such repairs or changes.

"(2) To replace such article or substance with a like or equivalent article or substance which is not a banned hazardous substance or to replace such toy or other article intended for use by children with a like or equivalent toy or article which does not contain a defect which creates a substantial risk of injury to children.

"(3) To refund the purchase price of the article, substance, or toy or other article intended for use by children (less a reasonable allowance for use if the article, substance, or toy or other article intended for use by children has been in the possession of the consumer for one year or more—

"(A) at the time of public notice under subsection (a), or

"(B) at the time the consumer receives actual notice that the article or substance is a banned hazardous substance or that the toy or other article intended for use by children contains a defect which creates a substantial risk of injury to children, whichever occurs first)."; and

(4) by striking "article or substance" in the last sentence and inserting in lieu thereof "article, substance, or toy".

(c) Section 15(c)(2) of such Act is amended (1) by striking out "article or substance" each place it occurs and inserting in lieu thereof "article, substance, or toy", and (2) by striking out "dealer" each place it occurs and inserting in lieu thereof "retailer".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Utah [Mr. NIELSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

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

Mr. Speaker, H.R. 5818 amends the Federal Hazardous Substances Act to enable the Consumer Product Safety Commission [CPSC] to recall quickly, dangerous toys or other articles used by children.

Currently, the CPSC can recall and order corrected a dangerously defective toaster faster than a deadly toy. This ironic result is caused by an inconsistency in the law that requires the CPSC to promulgate a special rule before it can recall dangerous toys. This additional rulemaking requirement does not apply to recalls of other dangerously defective consumer products.

This time-consuming procedure has delayed the recall of toys that are alleged to have caused deaths and serious injuries by as much as 14 months. There is no reason for the law to be more lax where toys are concerned. When a toy has been determined to be hazardous, the lives and safety of children should not be jeopardized by delaying the recall. the CPSC should be able to recall the hazardous toy as quickly as any other consumer product.

Greater toy safety has been overwhelmingly endorsed by the public. According to a recent Lou Harris poll, 88 percent of those surveyed wanted the CPSC to do more to assure that toys are safe. The Toy Safety Act responds to that demand. It authorizes the CPSC to give public notice about any toy that poses a substantial risk of injury to children. In addition, it empowers the agency to order the toy maker to repair, replace or give a refund for the dangerously defective toy.

The legislation has been endorsed by the Consumer Product Safety Commission, Consumer Federation of America, Consumers Union, American Academy of Pediatrics, and the administration. The bill is not opposed by the Toy Manufacturers of America.

I urge my colleagues to support H.R. 5818.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NIELSON of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5818, the Children's Products Safety Act of 1984.

Toys and children's products are regulated under the Federal Hazardous Substances Act [FHSA] rather than the Consumer Product Safety Act [CPSA]. This was done originally to accord these products special status, as they were regulated before the creation of the Comsumer Product Safety Commission [CPSC]. Ironically, by being regulated under FHSA, toys are now subject to a more cumbersome, impractical recall process because that act does not have a comprehensive recall provision. Quite simply, toys which are found to be hazardous cannot be recalled as quickly as unsafe products intended for adults.

This bill would simply amend section 15 of the FHSA to allow CPSC to use the same procedures to recall a hazardous toy under that act, as are now used to recall other unsafe products under the CPSA.

The toy manufacturers of America expressed three minor problems with this bill as originally introduced. They did not like the original title of the bill, they wanted the bill to apply only to defective toys and they felt the bill should apply to retailers rather than dealers. All three of these concerns were fully addressed by the subcommittee. We now have before us a totally noncontroversial bill supported by manufacturers, consumer groups and the Reagan administration. I urge my colleagues to support this important legislation to help protect our children from dangerous, defective products.

Mr. Speaker, I yield back the balance of my time.

● Mr. WALGREN. Mr. Speaker, it is a pleasure today to support what may seem to be a minor bill, but to any parent a measure that is certainly a major bill. H.R. 5818, the Children's Product Safety Act, would enable the Consumer Product Safety Commission to recall dangerous toys and other children's products such as cribs and playpens as easily and as quickly as it does other products like toasters and lawnmowers. Under this bill, manufac-

turers would have to give public notice that a toy or children's product contains a defect that poses a substantial risk of injury and the Commission could order the manufacturer to repair, replace, or provide a refund for the dangerous toy or product.

I would like to commend Congressman WAXMAN for his leadership in spotting this loophole in the law that I hope will get dangerous children's objects off the store shelves quickly—as well as deterring their manufacture in the first place. I am pleased to have had a role on the Subcommittee on Health, in writing this bill.

Under the current law the Consumer Product Safety Commission can recall defective products as soon as it determines that the product is dangerous. Because of a quirk in the current law, for toys and children's products, the CPSC must go through a lengthy and cumbersome regulatory process—sometime 6 months to 2 years—while the manufacturer keeps selling the products. There is no justification for such delays, especially when chidren's safety and lives are at stake.

Here are some past examples: In 1981 and 1982, the Commission learned about the suffocation deaths linked to certain squeeze toys. The two manufacturers refused to voluntarily recall the toys. The CPSC then went through the procedures available to it, the first step being an action to ban the item, but this action was not published until January 1984. The manufacturers, to their credit, did take corrective action, but the the protracted redtape the CPSC had to go through meant that children's safety was at risk unnecessarily.

Similarly, in October and November 1979, several children's strangulation deaths were linked to certain stuffed toys, and it took the Commission until June 1982—almost 3 years—to go through the recall procedures and for the companies involves to agree voluntarily.

I hope the House will move quickly on this bill and the Senate and President will follow suit. Our children are precious, and our laws should reflect that. We should never tolerate letting our children's safety getting caught up in bureaucratic snares and inertia.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 5818.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5818 and H.R. 1880, the bills just passed.

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

There was no objection.

AMERICAN FOLKLIFE CENTER AUTHORIZATIONS FOR FISCAL YEARS 1985 AND 1986

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5886) to authorize appropriations for the American Folklife Center for fiscal years 1985 and 1986.

The Clerk read as follows:

H.R. 5886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by striking out "and" after "1983,"; and

(2) by inserting after "1984" the following: ", $838,549 for the fiscal year ending September 30, 1985, and $867,898 for the fiscal year ending September 30, 1986".

SEC. 2. Section 8 of the American Folklife Preservation Act (20 U.S.C. 2107), as amended by the first section of this Act, is further amended—

(1) by inserting before "There" the following: "(a)"; and

(2) by adding at the end the following new subsection:

(b) No amount authorized by subsection (a) of this section for the fiscal year ending September 30, 1985, or the fiscal year ending September 30, 1986, may be used for pay, benefits, or other expenses of any personnel position established after the date of the enactment of this subsection.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. HAWKINS] will be recognized for 20 minutes and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume, Mr. Speaker, the Library of Congress' request was for a 5-year reauthorization with $930,000 for fiscal year 1985. H.R. 5886 provides for a 2-year reauthorization at $839,549 for fiscal year 1985 and $867,898 for fiscal year 1986. This will provide the Congress with the opportunity to further evaluate the folklife center's operations.

These authorization levels are a 3½-percent increase over the center's 1984 appropriation, which is in line with the recommendations of the Budget Committee.

H.R. 5886 also prohibits use of any fiscal 1985 and 1986 appropriations for expenses of additional personnel. Thus, this legislation would freeze staff levels through fiscal 1986, at the center's current level.

Mr. Speaker, because of the urgent nature to move the authorization for the American folklife center the committee appreciates the deferral of the Committee on Public Works and Transportation to asserting jurisdiction over a nongermane amendment to the bill to which this language will be attached. S. 2556, deals with playgrounds for the children eligible for the Senate day care center and for child care centers which may be established for the children of Members of Congress or their employees.

The Committee on Public Works and Transportation, because of their jurisdiction over matters affecting the Capitol Grounds, has agreed to the amendment which would allow certain portions of the Capitol Grounds to be used exclusively for the purpose of providing child care for children of Members and employees of the Senate or House of Representatives. The committee recognizes that future amendments dealing with this matter would properly be referred to the Committee on Public Works and Transportation and that this action today should not be construed as precedent for changing the jurisdiction of the Committee on Public Works and Transportation over this matter.

□ 1310

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

Mr. Speaker, the distinguished chairman of the House Administration Committee, the gentleman from California, has described the bill accurately and the committee's reaction to it. This bill, of course, authorizes for 2 years the folklore authorization within the Library of Congress, and has a Senate rider amendment, a nongermane amendment, which grants the Capitol Police Force the authority to designate portions of the Capitol Grounds for use as a play area for children attending a day care center.

There is some thought that the Police Board or other authority might have already the authority to establish this playground, but probably the Senate has acted wisely in asking for lawful authority to make such use of the area. Our committee is, I think it is fair to say, lukewarm on the folklore authorization, but because of the very strong Senate interest in the play area for the children in the day care establishment, this committee I think bent over backward in the spirit of comity to move the bill along.

We changed the Senate authorization from 5 to 2 years, and put restrictions on spending and on personnel increases to conform to what the committee thought was the intent of the House budget.

The chairman has also indicated that we share jurisdiction with the Public Works Committee, which has been conceded for the purposes of this bill, but obviously that committee retains such jurisdiction, and we will always expect to share and not to set any precedent by the handling of this bill. Mr. Speaker, as far as I know, there was no negative vote on this bill in the committee.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAWKINS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HAWKINS] that the House suspend the rules and pass the bill, H.R. 5886.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

VETERANS' EDUCATION AND EMPLOYMENT AMENDMENTS OF 1984

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5398), to amend title 38, United States Code, to provide a 15-percent increase in the rates of educational assistance paid under the GI bill and the rates of subsistence allowances paid under the Veterans' Administration rehabilitation program for veterans with service-connected disabilities, and to revise and extend the veterans' readjustment appointments program for the appointment of veterans in the civil service, as amended.

The Clerk read as follows:

H.R. 5398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Education and Employment Amendments of 1984".

TITLE I—15 PERCENT INCREASE IN RATES

GI BILL RATE INCREASES

SEC. 101. (a) Chapter 34 of title 38, United States Code, is amended as follows:

(1) The table contained in paragraph (1) of section 1682(a) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$393	$468	$533	$33
Three-quarter time	295	350	400	25
Half-time	196	234	266	17
Cooperative	317	371	422	24".

(2) Section 1682(b) is amended by striking out "$342" and inserting in lieu thereof "$393".

(3) The table contained in paragraph (2) of section 1682(c) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$317	$371	$422	$24
Three-quarter-time	238	278	316	18
Half-time	158	186	211	12".

(4) Section 1692(b) is amended by striking out "$76" and "$911" and inserting in lieu thereof "$87" and "$1,044", respectively.

(b) Chapter 35 of such title is amended—

(1) by striking out "$276" in section 1732(b) and inserting in lieu thereof "$317"; and

(2) by striking out "$342", "$108", "$108", and "$11.44" in section 1742 (a) and inserting in lieu thereof "$393", "$124", "$124", and "$13.15", respectively.

(c) Chapter 36 of such title is amended as follows:

(1) Subsection (b) of section 1774 is amended to read as follows:

"(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

"Total salary cost reimbursable under this section	Allowable for administrative expense
$5,000 or less	$796.
Over $5,000 but not exceeding $10,000.	$1,434.
Over $10,000 but not exceeding $35,000..	$1,434 for the first $10,000, plus $1,328 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000..	$8,680.
Over $40,000 but not exceeding $75,000..	$8,680 for the first $40,000, plus $1,148 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000..	$17,214.
Over $80,000	$17,214 for the first $80,000, plus $1,002 for each additional $5,000 or fraction thereof.".

(2) Section 1786(a)(2) is amended by striking out "$342" and inserting in lieu thereof "$393".

(3) The table contained in paragraph (1) of section 1787(b) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$286	$320	$350	$14
Second 6 months	213	249	279	14
Third 6 months	142	178	207	14
Fourth and any succeeding 6-month period	71	105	136	14".

(4) Section 1798(b)(3) is amended by striking out "$342" and inserting in lieu thereof "$393".

REHABILITATION SUBSISTENCE ALLOWANCE RATE INCREASES

SEC. 102. The table contained in section 1508(b) of title 38, United States Code, is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependment	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$324	$401	$472	$34
Three-quarter-time	243	301	354	26
Half-time	162	201	236	17
Farm cooperative, apprentice, or other on-job training:				
Full-time	282	341	394	25
Extended evaluation:				
Full-time	324	401	472	34
Independent living training:				
Full-time	324	401	472	34
Three-quarter time	243	301	354	26
Half-time	162	201	236	17".

EFFECTIVE DATE

SEC. 103. The amendments made by this title shall take effect on January 1, 1985.

TITLE II—VETERAN'S EMPLOYMENT IN CIVIL SERVICE

EXTENSION AND REVISION OF VETERANS' READJUSTMENT APPOINTMENT PROGRAM

SEC. 201. (a) Subsection (a) of section 2014 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) For the purposes of this section, the term 'agency' means a department, agency, or instrumentality in the executive branch.".

(b) Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "GS-7" in clause (A) and inserting in lieu thereof "GS-11";

(B) by striking out "and" at the end of clause (B);

(C) by striking out "who is" in clause (C) and all that follows through "line of duty";

(D) by striking out the period at the end of clause (C) and inserting in lieu thereof a semicolon and "and"; and

(E) by adding at the end of such paragraph the following new clause:

"(D) a veteran of the Vietnam era who is given such an appointment and whose employment under the appointment is termi-

nated within one year of the date of such appointment shall have the same right to appeal that termination to the Merit Systems Protection Board as a career or career-conditional employee has during the first year of employment."; and

(2) in paragraph (2), by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1987".

(c) Subsection (c) of such section is amended—

(1) by striking out "department, agency, and instrumentality in the executive branch" and inserting in lieu thereof "agency"; and

(2) by striking out "such department, agency, or instrumentality" and inserting in lieu thereof "such agency".

(d) Subsections (d) and (e) of such section are amended to read as follows:

"(d) The Office of Personnel Management shall be responsible for the review and evaluation of the implementation of this section and the activities of each agency to carry out the purpose and provisions of this section. The Office shall periodically obtain (on at least an annual basis) information on the implementation of this section by each agency and the activities of each agency to carry out the purpose and provisions of this section. The information obtained shall include specification of the use and extent of appointments made by each agency under subsection (b) of this section and the results of the plans required under subsection (c) of this section.

"(e)(1) The Office of Personnel Management shall submit to the Congress annually a report on activities carried out under this section. Each such report shall include the following information with respect to each agency:

"(A) The number of appointments made under subsection (b) of this section since the last such report and the grade levels in which such appointments were made.

"(B) The number of individuals receiving appointments under such subsection whose appointments were converted to career or career conditional appointments, or whose employment under such an appointment has terminated, since the last such report, together with a complete listing of categories of causes of appointment terminations and the number of such individuals whose employment has terminated falling into such category.

"(C) The number of such terminations since the last such report that were initiated by the agency involved and the number of such terminations since the last such report that were initiated by the individual involved.

"(D) A description of the education and training programs in which individuals appointed under such subsection are participating at the time of such report.

"(2) Information shown for an agency under clauses (A) through (D) of paragraph (1) of this subsection—

"(A) shall be shown for all veterans; and

"(B) shall be shown separately (i) for veterans of the Vietnam era who are entitled to disability compensation under the laws administered by the Veterans' Administration or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty, and (ii) for other veterans.".

TITLE III—MISCELLANEOUS

EXTENSION OF EMERGENCY VETERANS' JOB TRAINING ACT

SEC. 301. (a)(1) Section 5(b)(3)(A) of the Emergency Veterans' Job Training Act of 1983 (29 U.S.C. 1721 note) is amended by striking out "60 days" and inserting in lieu thereof "90 days".

(2) The amendment made by paragraph (1) shall apply only to certificates of eligibility issued after the end of the 30-day period beginning on the date of the enactment of this Act.

(b) Section 17 of such Act is amended to read as follows:

"TERMINATION OF PROGRAM

SEC. 17. Assistance may not be paid to an employer under this Act—

"(1) on behalf of a veteran who applies for a program of job training under this Act after May 29, 1985; or

"(2) for any such program which begins after September 1, 1985.".

The SPEAKER pro tempore. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

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

Mr. Speaker, probably this will be the last bill this year brought to the floor from the Veteran's Affairs Committee, and I would like to say that we have had a good year for veterans and their dependents. I thank my colleagues in the House for the strong support you have given us on veterans legislation this year.

Mr. Speaker, we have operated within the budget. We have geared our veterans programs toward the demonstrated needs of the veteran. We have also emphasized legislation toward the Vietnam veterans. The bill we are considering today does affect the Vietnam veterans.

Mr. Speaker, when I was first elected by Members of the House to serve as chairman of the Committee on Veterans' Affairs, I made a commitment to aggressively seek solutions to some of the problems facing veterans who served during the Vietnam era. Much had been done by our committee prior to my assuming the chairmanship; however, I felt that there were additional things we in the Congress might do in order to enhance the lives of the men and women who served their Nation well during this difficult period. The Congress has initiated and the President has signed several laws during the past several years that directly benefit Vietnam veterans, and I appreciate the cooperation and assistance I have received from so many of my colleagues in the House in carrying out our responsibilities to Vietnam-era veterans.

H.R. 5398 is a bill that provides direct assistance to those who served during the Vietnam conflict. It has three major features. First, it would increase by 15 percent the rate of benefits paid to veterans and eligible dependents going to school under the Vietnam era GI bill. It would enhance and extend the veterans' readjustment appointment authority, which is now due to expire on September 30, 1984. This has been a very successful program and thousands of Vietnam veterans are now in responsible positions in the Federal Government because of this authority. Finally, the bill would extend certain provisions of Public Law 98-77, the Emergency Veterans Job Training Act.

Mr. Speaker, before yielding to the very able and capable distinguished chairman of our Subcommittee on Education, Training, and Employment, Mr. LEATH of Texas, I want to express to him my deep appreciation for the outstanding job he has done as chairman of the subcommittee. Mr. LEATH is the author of the Emergency Veterans' Job Training Act and we are beginning to see favorable results from this program now that employers have been made aware of the assistance that may be available to them for jobs that can be provided for Vietnam and Korean veterans.

I also want to thank the distinguished gentleman from New York, the ranking minority member of the subcommittee, Mr. SOLOMON, for the time and attention he has given to this legislation. Mr. SOLOMON has been very instrumental in helping Mr. LEATH draft the Emergency Veterans' Job Training Act and has fully supported the efforts of the subcommittee and the full committee in finding ways to make life better for all veterans and especially those who served during the Vietnam era.

As I have done so often in the past, Mr. Speaker, I want to also thank the very able and distinguished ranking minority member of the full committee, Mr. HAMMERSCHMIDT, for his usual leadership, cooperation, and assistance. As I have stated to my colleagues on many occasions in the past, the gentleman from Arkansas is always ready to do his job in committee and he has been deeply involved in developing this legislation.

I am grateful to all members of the subcommittee, Mr. EDGAR, Mr. EVANS of Illinois, Ms. KAPTUR, Mr. SLATTERY, Mr. BRYANT, Mr. FLORIO, Mr. WYLIE, and Mr. DENNY SMITH.

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We think because we have this nonpartisan, hardworking committee members that we have been able to do what is right for the veteran.

At this time, Mr. Speaker, I would like to yield such time as he may consume to the distinguished subcommittee chairman, the gentleman from Texas [Mr. LEATH].

Mr. LEATH of Texas. I thank my good friend and colleague for yielding and for his kind words.

Mr. Speaker, H.R. 5398 is the end product of bills that were developed by the Subcommittee on Education, Training and Employment, which I have the privilege of chairing.

There has been no increase in GI bill educational rates and vocational rehabilitation subsistence allowances for service-connected disabled veterans since 1981. Title I provides for a 15-percent cost-of-living increase in these rates effective January 1, 1985.

Title II would revise and extend the Veterans Readjustment Appointment Authority which expires on September 30, 1984. The VRA program, as it is generally referred to, has been a very successful one. The VRA authority authorizes departments and agencies to make excepted appointments in the Federal Civil Service for certain Vietnam era and disabled veterans. Title II would extend this program for 3 additional years to expire on September 30, 1987. In addition, title II would eliminate a 14-year educational restriction to be eligible for the program, and increase the grade to which a person may be appointed under this program from a maximum of GS-7 to GS-11 or its equivalent.

Title III extends provisions of Public Law 98-77, the Emergency Veterans' Job Training Act. This job training program, for long-term unemployed Korean and Vietnam veterans, which went into effect on November 29, 1983, has had a rather slow start to this point; $150 million dollars has been appropriated for this program which will be available until December 30, 1986. Title III would extend the cutoff dates for a veteran applying and beginning training under this program for an additional 6 months. In addition, title III would extend from 60 to 90 days the life of a certificate of eligibility which is furnished to a veteran for training under this program.

Mr. Speaker, there are no costs for the extension of the Veterans Readjustment Appointment Program in title II, or for extending the use of the job training program in title III. The 15-percent cost-of-living increase in the GI bill training and subsistence allowance rates was recommended by the administration in its fiscal year 1985 budget request. The administration supports the provisions of this bill. The major veterans' organizations also support the provisions of this bill.

COST-OF-LIVING RATE INCREASES

By way of background and further explanation of the bill, the Subcommittee on Education, Training and Employment held an oversight hearing on September 29, 1983, to review and evaluate the administration and effectiveness of two programs which have contributed greatly to the successful readjustment of millions of Vietnam-era veterans. The first was the current level of educational payments under the GI bill and other education programs, and subsistence allowance payments under the Veterans' Administration's Vocational Rehabilitation Program. Of the approximately 9.1 million veterans eligible for the GI bill program, more than 6.6 million, or 72.1 percent, have received training.

In 1985, nearly 461,200 GI bill trainees are expected to participate in the program, compared with 564,300 in 1984. The number of Vietnam-era veterans is expected to decline as more veterans reach their delimiting date, which is 10 years following their last date of discharge or separation from the Armed Forces.

GI bill benefits were last increased by Public Law 96-466, which provided a two-step increase, 5 percent effective on October 1, 1980, and another 5 percent effective on January 1, 1981. Since that time, the costs of education have soared. Figures published by the National Center for Education Statistics of the Department of Education indicate there has been a sharp increase in the overall costs of education in recent years. These data show that the total cost of tuition, board and room for public schools rose by 33.3 percent from school years 1980-81 through school years 1983-84. These same costs increased 37.9 percent at all private schools during the same period. Similar statistics have been published by the American Council on Education and the college boards.

At the same time that school costs have been accelerating, Federal educational assistance has been cut back. According to the American Association of State Colleges and Universities, the reduction in Federal student aid, measured in constant dollars, means that 23 percent less aid was available in fiscal year 1984 than in fiscal year 1983. There was also a reduction of about $480 million a year in Pell grants and comparable cuts in other programs.

It should be remembered that the Nation as a whole benefits when veterans' educational levels are increased, since more veterans will achieve their educational goals. Statistics maintained by the Census Bureau indicate a high correlation between lifetime income and education level. Using 1981 census data, the Census Bureau estimates a typical high school graduate's lifetime income at $954,000, while a typical college graduate's income soars to $1,329,000. The increased taxes paid on the additional $350,000 earned by the college graduate will more than repay the cost of further education.

The GI bill rate increase legislation I originally introduced, H.R. 4648, provided for a 15-percent rate increase effective October 1, 1984. The Veterans' Administration recommended that the increase be effective January 1, 1985. Rather than exceed the budget, the committee accepted the delayed date of the increase. Considering the increase in the cost of living and education, this rate increase is not only overdue, but necessary and appropriate.

Title I also proposes to increase the rates for the Dependents Education and Training Program by 15 percent effective January 1, 1985. This program provides benefits to children and spouses of veterans who died of a service-connected disability or whose service-connected disability is rated permanent and total. Dependents of servicepersons missing in action or forceably detained or interned by a hostile foreign government for more than 90 days are also eligible under this program. In addition to college training, other types of authorized training include on-the-job apprenticeship and correspondence training. The number of trainees in the Dependents Education Program for spouses and children of a veteran with a permanent and total service-connected disability or the surviving spouses and children of veterans who died of a service-connected disability is estimated to be approximately 73,900 for fiscal year 1985, a decline of 4,300 from fiscal year 1984.

Title I also proposes a cost-of-living increase in subsistence allowances for service-connected disabled veterans training under the Vocational Rehabilitation Program. Vocational rehabilitation is provided veterans whose disabilities resulted in an employment handicap. This is the oldest education and training program administered by the Veterans' Administration. It is a continuous, open-ended program which includes the payment of a monthly subsistence allowance, plus educational expenses, to eligible veterans who need this special assistance. A monthly subsistence allowance, currently $282 a month, is paid to a single veteran in full-time institutional training in addition to an allowance for tuition, books, supplies and equipment. Also included in this program are provisions for extended evaluation of seriously disabled veterans and a program of independent living for those veterans unable to participate in a regular vocational rehabilitation program. It is estimated that 33,000 veterans will receive training under this program in fiscal year 1985, an increase of 500 over fiscal year 1984.

In addition to these programs a 15-percent increase is recommended in allowances for administrative expenses paid to State-approving agencies in

connection with inspecting, approving and supervising programs of education and training offered by educational institutions and training establishments in which veterans or dependents are enrolled or are about to enroll. These payments are based on an approved contract with individual State-approving agencies and involve all levels of education and training.

EXTENSION OF THE VRA PROGRAM

At the oversight hearing on September 29, 1983, the subcommittee also reviewed the Veterans Readjustment Appointment [VRA] Program which allows certain eligible Vietnam-era veterans to be given excepted appointments in the Federal Civil Service and is due to expire on September 30, 1984. An extension of this highly successful program was supported by all witnesses at the hearing including the Director of the Office of Personnel Management. Title II of the bill, in addition to extending the program to September 30, 1987, recognizes that many Vietnam-era veterans have successfully pursued higher education and obtained stable work experience. Under current law, a nondisabled veteran of the Vietnam era does not qualify as a VRA appointee if he or she has over 14 years of education. Additionally, the maximum grade level for VRA appointments is GS-7, or its equivalent. Title II proposes that the 14-year education restriction be eliminated and that the maximum grade level be increased to GS-11, or its equivalent.

Title II of the bill would also provide the same limited appeal protection to VRA appointees as is now given career or career-conditional employees during the first year of employment. Under current law, VRA appointees who are terminated during their first year of employment have no appeal rights to the merit system protection board for certain types of discrimination or improper procedure in termination for conditions arising before appointment. The excellent retention and conversion rate among VRA hires demonstrates that the vast majority are qualified, motivated employees whose performance warrants this modest additional protection. Title II would further require the OPM to report annually rather than semiannually on agency use of the VRA appointment program. OPM requested this change and the committee agreed that an annual reporting requirement is adequate.

I think I should remind my colleagues that the VRA Program is a voluntary one. There are no added costs associated with the program, and no new positions are created. The appointments are counted against agencies' personnel [FTEE] ceilings.

AMENDMENTS TO THE EMERGENCY VETERANS JOB TRAINING ACT

Title III relates to amendments in the Emergency Veterans' Job Training Act of 1983, Public Law 98-77. Although the job training program established by this act is a new program, the Subcommittee on Education, Training and Employment has held two oversight hearings this year to evaluate and appraise the effectiveness and administration of the program. The subcommittee held an oversight hearing on January 12, 1984, in San Diego, CA, at which time testimony was received from public and private witnesses involved in implementing the program. A second hearing was held on April 5, 1984. At both hearings, all witnesses agreed that extension of the program would be necessary to maximize the number of veterans assisted by this program.

In response to these hearings, title III of the bill would extend from 60 to 90 days the period that a certificate of eligibility furnished to a veteran under the Emergency Veterans' Job Training Act will be valid. This will relieve a substantial processing burden for the Veterans' Administration and provide more time for veterans to use the certificate. Title III would also extend from November 29, 1984, to May 29, 1985, the date by which an unemployed veteran may apply for assistance under Public Law 98-77, and from March 1 to September 1, 1985, the cutoff date for commencing training. These proposed extensions do not authorize additional costs to the program, but only extend by 6 months the periods during which the program may be utilized. The added time will also allow for increased promotion of the program and greater opportunity to encourage employer participation.

I want to commend all of the members of the Subcommittee on Education, Training and Employment who have worked so diligently in helping to develop this legislation. Their cooperation has been outstanding. I especially want to commend the ranking minority member of the subcommittee, my good friend and colleague, JERRY SOLOMON, for his invaluable help and cooperation throughout the entire process of holding hearings and developing the provisions of H.R. 5398. It has been a pleasure to work with JERRY. Lastly, I want to commend the leadership and assistance on this bill of the chairman of the full Committee on Veterans' Affairs, the distinguished gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member of the full committee, Mr. HAMMERSCHMIDT of Arkansas.

I urge my colleagues to support this meritorious bill which will help thousands of veterans in their efforts to attain their educational and employment goals.

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

Mr. Speaker I rise in support of H.R. 5398—legislation relevant to the existing Vietnam era GI bill and the highly successful Veterans' Readjustment Appointment Program.

Mr. Speaker, this bill contains several important provisions necessary to the continued success of these programs.

H.R. 5398 extends the Veterans' Readjustment Appointment Program for 3 additional years, through September 30, 1987.

This program, known as the VRA Program, allows eligible disabled and educationally disadvantaged Vietnam veterans to be appointed to Federal civilian jobs on a noncompetitive basis.

After 2 years of satisfactory service, the veteran is generally given a career or career-conditional position within the Federal civilian workforce.

Since the establishment of the VRA in 1970, more than 200,000 Vietnam era veterans have been placed in Federal jobs, and its 3-year extension will guarantee the program's continued ability to assist our Vietnam era veterans.

H.R. 5398 also provides for a 15-percent increase in the benefits payable under the GI bill, effective on January 1, 1985.

I would like to point out to my colleagues that the most recent GI bill benefit increase was approved in 1980, and there have been significant increases in education costs since that time.

These benefit increases are necessary and justified, and I fully support them.

It should also be stressed that the funds for these program changes have been included in the budget, and the administration fully supports them.

Finally, Mr. Speaker, the bill before us today extends by 6 months the cutoff date for application and training commencement under the newly established Veterans' Jobs Training Program.

After several hearings, the Veterans' Affairs Committee has concluded that these alterations in the Job Training Program will improve its administration, and extend the availability of training to a greater number of deserving, unemployed veterans.

In conclusion, Mr. Speaker, I would also like to call my colleagues' attention to the leadership on these important veterans issues exhibited by our distinguished committee chairman, my good friend SONNY MONTGOMERY, who has been in the forefront of all our veterans legislation.

And finally, we must note the contributions of Education and Training Subcommittee Chairman MARVIN LEATH of Texas and the ranking Republican member, my good friend JERRY SOLOMON, of New York.

They have both worked diligently in exercising oversight and improvement of these important veterans programs

and have played a crucial role in the development of this legislation.

Mr. Speaker, I urge passage of H.R. 5398.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], the ranking member of the subcommittee.

Mr. SOLOMON. I thank the gentleman for yielding time to me.

Mr. Speaker, the bill before us today—H.R. 5398—was unanimously reported from the Education, Training, and Employment Subcommittee of the Veterans' Affairs Committee.

As has already been pointed out, H.R. 5398 has three major components.

First, the bill provides for a 15-percent increase in the education and subsistence payments made under the GI bill.

Because the last increase in GI bill benefits was approved in 1980, this provision is particularly important, as my good friend, the gentleman from Texas [Mr. LEATH], has said before.

It will guarantee that the program will continue to furnish the educational assistance we have intended for our veterans.

Second, H.R. 5398 extends the Veterans' Readjustment Appointments Program that allows noncompetitive trial job placement within the Federal Government for our Nation's Vietnam-era veterans.

Upon successful completion of this trial period, the veteran generally receives a permanent appointment within the Civil Service.

The VRA Program has met with overwhelming success.

Since its establishment in 1970, more than 200,000 veterans have been placed in Federal civilian careers.

The administration is fully supportive of this 3-year extension of the program, and I certainly urge the support of my colleagues, as well.

The third major provision of H.R. 5398 relates to the Veterans' Job Training Program, which the Congress established last year.

This provision will extend the period of time in which already appropriated funds may be expended under the Job Training Program.

Finally, H.R. 5398 extends the cutoff date by which veterans may enroll in the program.

Our subcommittee has concluded that these changes are necessary to provide our unemployed Korean- and Vietnam-era veterans the full opportunities created under this program.

Mr. Speaker, I would also like to point out the significant contributions made by my committee colleagues.

The chairman of the subcommittee, Congressman MARVIN LEATH, deserves the gratitude of this House and of every veteran in this country for his exemplary leadership in working out the specific provisions of this bill in our subcommittee.

In addition, I would like to commend the full committee Chairman SONNY MONTGOMERY and the ranking Republican member, Congressman JOHN PAUL HAMMERSCHMIDT, for their usual hard work and vigilance on behalf of our Nation's veterans.

Mr. MONTGOMERY. Mr. Speaker, before yielding back the balance of my time, I would like to say again we hope we can get the full support of the House as this is legislation that is needed, and especially for the Vietnam-era veterans.

Mr. Speaker, I include a section-by-section analysis of the bill.

H.R. 5398—SECTION-BY-SECTION ANALYSIS

TITLE I—15 PERCENT INCREASE IN RATES

GI bill rate increase

Section 101 provides a 15 percent increase in educational assistance allowance rates for veterans and dependents pursuing programs of education under chapters 34, 35, and 36 of title 38, United States Code. It also provides a 15 percent increase in allowances paid to State approving agencies as reimbursement for expenses in furnishing services under chapter 34, 35, and 36. Lastly, this section authorizes a 15 percent increase in rates used in computing total amounts of education loans presently available to certain eligible veterans under chapter 36.

Section (a)(1) of section 101 amends section 1682(a)(1) of title 38 to provide a 15 percent increase in the monthly educational assistance allowances. The full-time institutional rate for a veteran with no dependents would be increased from $342 to $393 per month. The rate for a veteran with one dependent would be increased from $407 to $468 per month. The addition of a child would increase the rate from $464 to $533 per month, with an additional $33 (increased from $29) per month for each dependent in excess of two. The three-quarter and half-time rates are also increased by 15 percent.

Subsection (a)(2) of section 101 amends section 1682(b) of title 38, relating to the pursuit of a program of education by an individual while on active duty, or on less than a half-time basis, by providing a 15 percent increase in the maximum allowance, which shall be computed at the rate of the established charges for tuition, or $393 per month for a full-time course (up from the current $342 rate), whichever is lesser.

Subsection (a)(3) of section 101 amends section 1682(c) of title 38, to provide a 15 percent increase in the monthly assistance rates payable to veterans pursuing a farm cooperative training program. The full-time educational assistance rate for a veteran pursuing farm cooperative training, with no dependents, would be increased from $276 to $317 per month. The rate payable for a veteran with one dependent would be increased from $323 to $371 per month. The addition of a child would increase the rate from $367 to $422 per month, with an additional $24 per month payable for each dependent in excess of two. The three-quarter and half-time training rates are also increased by 15 percent.

Subsection (a)(4) of section 101 amends section 1692(b) of title 38, relating to the payment of additional allowances to certain eligible veterans who are being tutored, by increasing by 15 percent the maximum assistance payable from $76 to $87 per month (for a maximum of 12 months), and by increasing the maximum amount of such benefits which may be utilized from $911 to $1,047.

Subsection (b)(1) of section 101 amends section 1732(b) of title 38, to provide a 15 percent increase in the educational allowance paid on behalf of an eligible person pursuing a full-time educational program which consists of institutional courses and alternate phases of training in a business or industrial establishment. As amended, the rate is increased from $276 to $317 per month.

Subsection (b)(2) of section 101 amends section 1742(a) of title 38, to increase by 15 percent the special restorative training assistance allowance payable to the parent or guardian of an eligible person in need of such training from $342 to $393 per month. Section 1742(a) is further amended to provide that if the tuition and fees applicable for any such course are more than $124 per calendar month (increased from $108), the basic monthly allowance may be increased by the amount that such charges exceed that monthly figure if the parent or guardian elects to have the entitlement reduced by 1 day for each $13.15 (increased from $11.44) that the special training allowance exceeds the basic monthly allowance.

Subsection (c)(1) of section 101 amends section 1774(b) of title 38 to increase by 15 percent the allowance paid by the Administrator for administrative expenses incurred by State approving agencies in administering educational benefits under chapters 34, 35, and 36.

Subsection (c)(2) of section 101 amends section 1786(a)(2) of title 38 to provide that students pursuing correspondence courses will be charged entitlement at the rate of 1 month for each $393 of educational assistance allowance paid, a 15 percent increase from the current amount of $342.

Subsection (c)(3) of section 101 amends section 1787(b) of title 38 to increase by 15 percent the allowances payable to veterans or certain eligible persons pursuing full-time programs of apprenticeship or programs of on-job training. The rates of allowance payable for a veteran with no dependents are increased from $249 to $286 per month for the first 6 months, from $186 to $213 per month for the second 6 months, and from $62 to $71 per month for the fourth and succeeding 6-month periods. Rates of allowances for veterans with up to two dependents are also increased by 15 percent and the amount of additional allowance payable for each dependent in excess of two dependents is increased from $13 to $14 per month.

Subsection (c)(4) of section 101 amends section 1798(b)(3), authorizing a 15 percent increase in the rate used to calculate the aggregated of amounts a veteran or eligible person may borrow under subchapter III of chapter 36. Under present law, the total amount a veteran may borrow is calculated by multiplying $342 by the number of months such veteran is entitled to receive educational assistance under chapter 34. This subsection increases the constant to $393. However, notwithstanding this increase, the total amount a veteran may borrow remains limited to $2,500 in any regular academic year.

Section 102 amends section 1508(b) of title 38 to provide a 15 percent increase in subsistence allowance rates for veterans pursuing programs of vocational rehabilitation. The full-time allowance rate for institutional, extended evaluation, and independent

living training for a veteran with no dependents is increased from $282 to $324 per month; for a veteran with one dependent, from $349 to $401 per month; and for a veteran with two dependents, from $411 to $472 per month, with an additional $34 (increased from $30) per month for each dependent in excess of two. The three-quarter and half-time rates are also increased by 15 percent. The full-time allowance rate for farm cooperative, apprentice, or other on-job training for a veteran with no dependents is increased from $246 to $282 per month; for a veteran with one dependent, from $297 to $341 per month; and for a veteran with two dependents, from $343 to $394 per month, with an additional $25 (increased from $22) per month for each dependent in excess of two.

Section 103 provides that the amendments made in title I shall take effect on January 1, 1985.

TITLE II—VRA EXTENSION

Section 201(a) of title II of H.R. 5398 amends section 2014(a) of title 38, U.S.C., which now has one paragraph on policy. H.R. 5398 proposes to add a second paragraph showing the definition of "agency" for the purposes of this section.

Section 201(b) amends section 2014(b)(1)(A), title 38, U.S.C., which now provides that appointments may be made up to and including the level of GS-7 or its equivalent. H.R. 5398 proposes to increase the level to GS-11.

Section 201(b) amends section 2014(b)(1)(C), title 38, U.S.C., which now limits eligibility without regard to the number of years of education completed for VRA appointments, to a veteran of the Vietnam era "who is entitled to disability compensation under the laws administered by the Veterans' Administration or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty." Section 201(b) of H.R. 5398 strikes the above-quoted language from subsection (b)(1)(C) of section 2014 of title 38, U.S.C., which in effect removes the 14-year education limitation of the Executive order for all Vietnam era veterans.

Section 201(b)(1) (D) and (E) amends section 2014(b)(1)(C), title 38, U.S.C., in order to add a new clause (D) which provides that a veteran of the Vietnam era appointed to a position under the provisions of the Executive order and legislation and terminated during the first year of such appointment, shall receive appeal rights related to certain types of discrimination or improper procedure in termination for conditions arising before appointment. These same limited appeal protections given to career or career-conditional employees during the first year of service are set out in section 315.806 of title 5 of the Code of Federal Regulations.

Section 201(b)(2) amends section 2014(b)(2) of title 38, U.S.C., by extending the termination date of the Vietnam era Veterans Readjustment Appointment Program from 1984 to 1987.

Section 201(c) amends section 2014(c) of title 38, U.S.C., by striking out "department, agency, or instrumentality in the executive branch", and inserting in lieu thereof "agency".

Section 201(d) amends section 2014(d), title 38, U.S.C. which requires the Office of Personnel Management to obtain and publish (on at least a semiannual basis) reports on agency implementation and activities with respect to the readjustment appointment program. The amendment changes the reporting time from a semiannual basis to at least an annual basis. The amendment also removes the reporting requirement from this section and places it in section 2014(e), title 38, U.S.C., instead.

All the reporting required with respect to each agency is the same under title II as in section 2014(d), title II as in section 2014(d), title 38, U.S.C., i.e., (A) The number of VRA's made and grade levels since the last report, (B) the number of VRA's converted to career or career-conditional appointments, or terminated, with complete listing of categories of causes of terminations and the number terminated falling into such categories, (C) the number of terminations initiated by the agency and initiated by the individual involved, and (D) a description of the education and training programs VRA's are participating in at the time of such report. Section 201(e)(2) indicates reporting information: (A) shall be shown for "all veterans" and (B) shall be shown separately (i) for Vietnam era veterans who are disabled and (ii) for "other veterans."

TITLE III—MISCELLANEOUS

Extension of Emergency Veterans' Job Training Act

Section 301 makes miscellaneous amendments to the Emergency Veterans' Job Training Act of 1983. Public Law 98-77 (hereinafter referred to as the "Act").

Subsection (a)(1) of section 301 amends section 5(b)(3)(A) of the Act by extending the period after which a certificate of eligibility furnished under the Act to an eligible veteran shall expire, from 60 days after the date furnished, to 90 days after such date.

Subsection (a)(2) of section 301 provides that the amendment made by subsection (a)(1) of section 301 shall apply only to certificates of eligibility issued after the end of the 30-day period beginning on the date of enactment of this Act.

Subsection (b) of section 301 rewrites section 17 of the Act to provide that payment of assistance under the Act may not be provided to an employer on behalf of a veteran who applies for a program of job training under the Act after May 29, 1985, or for any job training program which begins after September 1, 1985.

Present section 17(a) of the Act states that, except as provided in section 17(b), assistance may not be paid to an employer on behalf of a veteran who applies for a program of job training after September 30, 1984, or for any such program which begins after December 31, 1984. Section 17(b) of the Act provides that if funds are not both appropriated and made available to the Veterans' Administration by October 1, 1983, assistance may be paid to an employer on behalf of a veteran if the veteran applies for a program of training within 1 year after the funds are made available to the Veterans' Administration and if the veteran begins participation within 15 months after such date. Actual funding was not made available to the Veterans' Administration until November 29, 1983. The establishment of May 29, 1985, as the latest date a veteran may apply for a program of training, and September 1, 1985, as the latest date a veteran may begin participation in a training program, results in an additional 6-month extension of the time limits established under present section 17(b).

● Mr. CORRADA. Mr. Speaker, I rise in strong support of H.R. 5398, the Veterans' Education and Employment Amendments of 1984. This measure provides a sorely needed cost-of-living increase of 15 percent in the rates of education and training benefits to Vietnam veterans under the GI bill, in the rates of education and training benefits provided to children and spouses of veterans who died of a service-connected disability or whose 100 percent service-connected disability is rated permanent and in the special rehabilitation assistance program to veterans whose service-connected disabilities resulted in an employment handicap. The legislation would also extend through September 30, 1987, the Veterans Readjustment Appointment Program which permits the noncompetitive appointment of disabled and educationally disadvantaged Vietnam-era veterans to Federal civilian jobs which lead to career tenure.

The sharp increase in the overall costs of education and the cutbacks in Federal educational assistance programs since the last rate increase over 3 years ago in veterans educational programs, demand our review of the same. Official statistics reflect a 33.3-percent increase in public schools' tuition, room and board from school years 1980-81 to 1983-84 and a 37.9 percent in private schools' costs during the same timeframe. The Federal student aid, measured in constant dollars, decreased by 23 percent in fiscal year 1984 as compared to fiscal year 1983. A yearly $480 million reduction in Pell grants was also experienced in recent years.

Education is the cornerstone of any successful effort of a veteran's readjustment to civilian life. The need for education is even more dramatic for those veterans who suffered crippling wounds during their time in service. Upon their return they have to contend not only with the time they spent away from their normal community environment but also their newly acquired handicap. Even with an abundant flow of money the readjustment to civilian life is a painful process. Certainly the lack of sufficient economic means to undertake the education and training initiatives their needs and aspirations demand would not give our veterans a fighting chance. We must continue to monitor and review our veterans benefits to ensure that inflation or other factors do not defeat the purpose for which they were created.

We must also, Mr. Speaker, continue to afford our veterans all the opportunities we can to allow them to become employed. This is a step of paramount importance to those who answer the call of duty and now struggle to be part of the mainstream of society. The VRA Program is a sound hiring opportunity for many of our disabled and educational disadvantage veterans and its extension is fitting and warranted.

I urge my colleagues to vote for the passage of this legislation which is crucial to the welfare of our veterans and their dependents.●

● Mr. DOWNEY of New York. Mr. Speaker, not too long ago we marked the 40th anniversary of the GI bill, one of the most important social programs of our time. Soon we will be voting on H.R. 5398, the Veterans' Education and Employment Amendments of 1984.

These amendments are an appropriate continuation of our commitment to those men and women who serve and protect the Nation. H.R. 5398 will provide a 15-percent increase in the rates for benefits for education, vocational training, and rehabilitation. We are all aware of the increased costs of pursuing an education and it is time to recompute the GI bill benefits to reflect the increased burden on our veterans.

H.R. 5398 also extends the veterans' readjustment appointment program and makes changes in the Emergency Veterans' Job Training Act to allow more veterans to benefit from the program. Both of these changes are important extensions of veterans' benefits.

I urge my colleagues to support this extension of the GI bill programs by voting for H.R. 5398. I would also like to commend my colleague, Representative MONTGOMERY, and the members of the Committee on Veterans' Affairs for their continuing efforts on behalf of veterans.●

● Mr. DASCHLE. Mr. Speaker, I rise in support of H.R. 5398, the Veterans Education and Employment Amendments of 1984. The principal component of this legislation is a much needed 15-percent increase for veterans and dependents attending college under the GI bill. This will to an extent offset the 33- to 37-percent increase in college costs which has occured since the last increase was awarded in 1981. Approximately 800,000 veterans and dependents nationwide and over 3,000 in my home State will benefit from this increase.

A second provision in this legislation would amend the veterans readjustment hiring authority by changing a number of restrictions currently affecting veteran eligibility for the program. Changes include elimination of the current exclusion from the program for veterans with more than 14 years of education, an increase in the maximum grade level for noncompetitive appointments from GS-7 to GS-11, and appeal rights in the first year of employment for veterans with noncompetitive appointments. This has been one of the more successful jobs programs for veterans and I am pleased that the Veterans' Committee has agreed to extend it 3 additional years.

Finally, a 6-month extension of the Emergency Veterans' Job Training Act is also included. This program has gotten off to a slow start and has suffered from a lack of employer participation. As over 111,000 veterans have applied for assistance under this program, it is clear that the demand for new training remains strong. It is my hope that the VA and Department of Labor will use this time to effectively increase employer participation so that many more veterans can be trained and hired for full-time employment.

I urge all my colleagues to vote in favor of this legislation.●

● Mr. GILMAN. Mr. Speaker, I rise in support of the legislation pending before us. H.R. 5398, Veterans Education Amendments of 1984, provides a 15-percent increase in educational assistance benefits paid under the GI bill and in vocational rehabilitation benefits for veterans with service-connected disabilities. Furthermore, the deadlines under the Emergency Veterans Job Training Act are extended as well, and the Veterans Readjustment Appointment Programs is reauthorized through fiscal year 1987.

The GI bill provides educational assistance benefits to veterans who served 181 continuous days of active-duty service, or were discharged for service-connected disabilities, between 1955 and 1977. H.R. 5398 raises the full-time allowance from $342 to $393 monthly for single veterans, and extends the 15-percent increase to active duty military personnel pursuing an education and individuals pursuing an education on a part-time basis, institutional, on-the-job apprenticeship and farm-cooperative training, correspondence courses, some tutoring, restorative training assistance for handicapped dependents of veterans, and the basis for calculating loans under the VA education loan program—although the maximum loan remains $2,500 per academic year.

The Emergency Veterans Job Training Act, which had my full support when enacted in 1983, was due to expire for enrollees in September 1984. But because funding for the program was not available until November 1983, it became important to extend its life in order to compensate for this lag. Accordingly, I was pleased to see the extension of the participation date included in this legislation from September 1984 to May 1985.

In addition, this measure extends the VRA program through 1987, and now entitles Vietnam-era veterans to benefits regardless of their educational background, whereas previously they must have had fewer than 14 years of education to be eligible. I and my colleagues hope that by the adoption of this legislation, more veterans will take advantage of the outreach this bill offers, and that it will be utilized by as many eligible veterans as possible. This Nation owes a debt of gratitude to all who served honorably in our Armed Forces, and by adoption of H.R. 5398, we can continue to, in some small measure, repay that debt.

Mr. Speaker, I reiterate my strong support of this legislation, and urge its passage by this body.●

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 5398, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

□ 1330

OLDER AMERICANS ACT AMENDMENTS OF 1984

Mr. ANDREWS of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4785) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1985, 1986, and 1987, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act Amendments of 1984".

TITLE I—AMENDMENTS REGARDING OBJECTIVES AND DEFINITIONS

AMENDMENT TO HEADING

SEC. 101. The heading for title I of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by striking out the colon and inserting in lieu thereof a semicolon.

COMMUNITY-BASED, LONG-TERM CARE SERVICES

SEC. 102. (a) Section 101(4) of the Older Americans Act of 1965 (42 U.S.C. 3001(4)) is amended by inserting before the period the following: ", and a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes".

(b) Section 101(10) of the Older Americans Act of 1965 (42 U.S.C. 3001(10)) is amended by inserting before the period the following: "and full participation in the planning and

operation of community-based services and programs provided for their benefit".

TITLE II—AMENDMENTS REGARDING THE ADMINISTRATION ON AGING

AMENDMENT TO HEADING

SEC. 201. The heading for title II of the Older Americans Act of 1965 (42 U.S.C. 3011 et seq.) is amended to read as follows:

"TITLE II—OFFICE ON AGING"

OFFICE ON AGING

SEC. 202. Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended to read as follows:

"ESTABLISHMENT OF OFFICE ON AGING

"SEC. 201. (a) There is established in the office of the Secretary an Office on Aging (hereinafter in this Act referred to as the 'Office') which shall be headed by the Commissioner on Aging. The Office shall be the principal agency for carrying out this Act, other than title V. In the performance of the functions of the Office, the Commissioner shall be directly responsible to the Secretary. There shall be a direct reporting relationship between the Commissioner and the Secretary. The Secretary shall not approve any delegation of the functions of the Office to any officer not directly responsible to the Commissioner.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate.".

FUNCTIONS OF OFFICE ON AGING

SEC. 203. (a) The heading for section 202 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by striking out "Commissioner" and inserting in lieu thereof "Office on Aging".

(b) Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) by striking out "function of the Administration" and inserting in lieu thereof "function of the Office",

(2) in paragraph (5) by striking out "of and carry out" and inserting in lieu thereof "and implementation of",

(3) in paragraph (16) by striking out "and",

(4) in paragraph (17) by striking out the period and inserting in lieu thereof "; and", and

(5) by adding at the end thereof the following new paragraph:

"(18) to consult with national organizations representing minority individuals to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and area agencies in providing services to older individuals with the greatest economic or social needs.".

(c) Section 202(b) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(d) Section 202(c) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)) is amended by striking out "his duties and functions" and inserting in lieu thereof "the duties and functions of the Office".

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. (a) Section 204(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3015(b)(2)) is amended by striking out "his" and inserting in lieu thereof "such member's".

(b) Section 204(c) of the Older Americans Act of 1965 (42 U.S.C. 3015(c)) is amended by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson".

(c) Section 204(e) of the Older Americans Act of 1965 (42 U.S.C. 3015(e)) is amended by striking out "Chairman" and inserting in lieu thereof "Chairperson".

(d) Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended—

(1) by striking out "$200,000" and all that follows through "1983, and", and

(2) by inserting before the period at the end thereof the following: "and $200,000 for each of the fiscal years 1985, 1986, and 1987".

ISSUANCE OF REGULATIONS

SEC. 205. (a) Section 205(b) of the Older Americans Act of 1965 (42 U.S.C. 3016(b)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Office".

(b) Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) by redesignating subsection (c) as subsection (d), and

(2) by inserting after subsection (b) the following new subsection:

"(c) Not later than 120 days after the date of the enactment of the Older Americans Act Amendments of 1984, the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this Act. After allowing a reasonable period for public comment on such proposed rules and not later than ninety days after such publication, the Secretary shall issue, in final form, regulations for the administration of this Act.".

EVALUATION

SEC. 206. (a) The first sentence of section 206(b) of the Older Americans Act of 1965 (42 U.S.C. 3017(b)) is amended to read as follows: "The Secretary may not make grants or contracts under title IV of this Act until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such title.".

(b) Section 206(c) of the Older Americans Act of 1965 (42 U.S.C. 3017(c)) is amended by adding at the end thereof the following: "In carrying out such evaluations, the Secretary shall consult with organizations concerned with older individuals, including those representing minority individuals.".

(c) Section 206(g) of the Older Americans Act of 1965 (42 U.S.C. 3017(g)) is amended by inserting "one-fourth of" after "exceed".

REPORTS

SEC. 207. Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended by striking out "for transmittal" and inserting in lieu thereof "and".

REDUCTION OF PAPERWORK

SEC. 208. Section 211 of the Older Americans Act of 1965 (42 U.S.C. 3020b) is amended—

(1) by striking out "Administration" and inserting in lieu thereof "Office", and

(2) by inserting before the period at the end thereof the following: "and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available".

TITLE III—GRANTS FOR PROGRAMS ON AGING

TECHNICAL AMENDMENTS

SEC. 301. Section 301(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3022(b)(1)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

DEFINITIONS

SEC. 302. Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(1) in paragraph (6) by striking out "and the Northern Mariana Islands" and inserting in lieu thereof ", and the Commonwealth of the Northern Mariana Islands", and

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

"(10) The term 'older individual' means any individual who is sixty years of age or older.

"(11) The term 'multipurpose senior centers' means community facilities for the organization and provision of a broad spectrum of services, including provision of health, social, nutritional, and educational services and provision of facilities for recreational activities, for older individuals.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. (a) Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)) is amended—

(1) by striking out "$300,000,000" and all that follows through "1983, and", and

(2) by inserting after "1984," the following: "$386,300,000 for the fiscal year 1985, $405,600,000 for the fiscal year 1986, and $424,900,000 for the fiscal year 1987,".

(b) Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "$350,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$383,600,000 for fiscal year 1985, $402,800,000 for fiscal year 1986, and $423,000,000 for fiscal year 1987,", and

(2) in paragraph (2)—

(A) by striking out "$80,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$72,300,000 for fiscal year 1985, $75,800,000 for fiscal year 1986, and $79,600,000 for fiscal year 1987,".

TECHNICAL AMENDMENTS

SEC. 304. (a) Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "Northern Mariana Islands" each place it appears and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands", and

(B) by striking out "clause (A)" and inserting in lieu thereof "subparagraph (A)", and

(2) in paragraph (2) by striking out "him" and inserting in lieu thereof "the Commissioner".

(b) Section 304(b) of the Older Americans Act of 1965 (42 U.S.C. 3024(b)) is amended by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner".

(c) Section 304(c) of the Older Americans Act of 1965 (42 U.S.C 3024(c)) is amended—

(1) by striking out "subsection (d)(1)(B)" and inserting in lieu thereof "subsection (d)(1)(C)", and

(2) by striking out "for in-kind resources" and inserting in lieu thereof "or in-kind resources".

(d) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended—

(1) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1)",

(2) in subparagraph (D) by striking out "subclause (C)" and inserting in lieu thereof "subparagraph (C)", and

(3) in subparagraph (E)—

(A) by inserting ", with particular attention to low-income minority individuals," after "social needs", and

(B) by adding at the end thereof the following: "For purposes of this subparagraph the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused

by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.".

(e) Section 305(b) of the Older Americans Act of 1965 (42 U.S.C. 3025(b)) is amended—

(1) in paragraphs (1), (2), and (4) by striking out "clause (1)" each place it appears and inserting in lieu thereof "paragraph (1)", and

(2) in paragraph (3) by striking out "he" and inserting in lieu thereof "the Commissioner".

AREA PLANS

SEC. 305. (a) Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (2)—

(A) by inserting "each of the following categories of services" after "the delivery of", and

(B) by striking out "and that some funds" and all that follows through "services", and inserting in lieu thereof "and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded",

(2) in paragraph (5)(A) by inserting ", with particular attention to low-income minority individuals," after "social needs", and

(3) in paragraph (6)—

(A) by striking out subparagraph (F),

(B) in subparagraph (G) by inserting "(including minority individuals)" after "individuals" the first place it appears,

(C) in subparagraph (H) by striking out "clause (2); and" and inserting in lieu thereof "paragraph (2);",

(D) in subparagraph (I) by striking out the period at the end thereof and inserting in lieu thereof "; and",

(E) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively, and

(F) by adding at the end thereof the following:

"(I) community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to emphasize the development of client-centered care management systems as a component of such services; and

"(J) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities.

For purposes of paragraph (5)(A), the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.".

(b) Section 306(b) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)) is amended to read as follows:

"(b) Each State shall not approve an area agency plan under this section unless the requirements of paragraph (2) of subsection (a) are fully satisfied. A State shall waive the requirements described in paragraph (2) of subsection (a) for any category of services described in such paragraph only if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area. Such demonstration by the area agency shall be based on a public hearing, held within two years of the request for a waiver, where all interested parties are notified and given an opportunity to appear and present testimony. A record of the public hearing shall accompany an area agency's request for a waiver.".

STATE PLANS

SEC. 306. (a) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (10) by striking out ", including nutrition services," and inserting in lieu thereof "or nutrition services,",

(2) in paragraph (12)—

(A) in subparagraph (A)—

(i) by striking out "which is not" the first place it appears and inserting in lieu thereof ", other than an agency or organization which is",

(ii) by striking out "not" the second place it appears,

(iii) by striking out "will—" and inserting in lieu thereof "provides individuals who will, on a full-time basis—", and

(iv) in clause (iv) by inserting "staff and" after "training",

(B) in subparagraph (C) by striking out "and" at the end thereof,

(C) in subparagraph (D)(ii) by inserting "and" after the semicolon at the end thereof, and

(D) by adding at the end thereof the following new subparagraph:

"(E) in planning and operating the ombudsman program, consider the views of area agencies on aging, older individuals, and provider agencies;",

(3) in paragraph (17)(B)(ii) by striking out the period and inserting in lieu thereof "; and", and

(4) in paragraph (18)—

(A) by striking out "Northern Mariana Islands" and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands", and

(B) by striking out "clause" each place it appears and inserting in lieu thereof "paragraph".

(b) Section 307(b) of the Older Americans Act of 1965 (42 U.S.C. 3027(b)) is amended—

(1) in paragraph (1) by striking out "he" and inserting in lieu thereof "the Commissioner", and

(2) in paragraph (2) by striking out "clause (3)(B)" each place it appears and inserting in lieu thereof "paragraph (3)(B)".

(c) Section 307(d) of the Older Americans Act of 1965 (42 U.S.C. 3027(d)) is amended—

(1) by striking out "his" and inserting in lieu thereof "the Commissioner's",

(2) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner", and

(3) by striking out "section 307" and inserting in lieu thereof "this section".

(d) Section 307(e) of the Older Americans Act of 1965 (42 U.S.C. 3027(e)) is amended—

(1) in paragraph (1)—

(A) by striking out "him" and inserting in lieu thereof "the Commissioner", and

(B) by striking out "he based his action" and inserting in lieu thereof "the Commissioner's action is based", and

(2) in the first sentence of paragraph (2) by striking out "his" and inserting in lieu thereof "the Commissioner's".

ADMINISTRATION OF STATE PLANS

SEC. 307. Section 308(b) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "clause (A)" and inserting in lieu thereof "subparagraph (A)", and

(B) by striking out "Northern Mariana Islands" each place it appears and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands",

(2) in paragraph (4) by striking out "most recent satisfactory data available to him" and inserting in lieu thereof "most recent data of the Bureau of the Census available to the Commissioner",

(3) in paragraph (5) by striking out "he" and inserting in lieu thereof "the Commissioner", and

(4) in paragraph (6) by striking out "20 per centum" and inserting in lieu thereof "25 per centum".

TECHNICAL AMENDMENT

SEC. 308. Section 309(a) of the Older Americans Act of 1965 (42 U.S.C. 3029(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

SURPLUS COMMODITIES; AUTHORIZATION OF APPROPRIATIONS

SEC. 309. (a) Section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4)) is amended—

(1) by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)", and

(2) by inserting "for All Urban Consumers" after "Consumer Price Index".

(b) Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended by redesignating subsection (d)(1) as (c)(1).

(c) Section 311(c), as so redesignated, is amended—

(1) in paragraph (1)—

(A) by striking out "$93,200,000" and all that follows through "1983, and", and

(B) by inserting "$121,800,000 for fiscal year 1985, $127,900,000 for fiscal year 1986, and $134,300,000 for fiscal year 1987," after "1984,", and

(2) in paragraph (2) by striking out "appropriation" and inserting in lieu thereof "appropriations".

SUPPORTIVE SERVICES

SEC. 310. (a) Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (6) by striking out "and financial counseling" and inserting in lieu thereof ", financial counseling, and counseling regarding appropriate health and life insurance coverage",

(2) in paragraph (8) by striking out "illness" and inserting in lieu thereof "illnesses",

(3) in paragraph (14) by striking out "or" at the end thereof,

(4) by redesignating paragraph (15) as paragraph (16), and

(5) by inserting after paragraph (14) the following new paragraph:

"(15) services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services; or".

(b) Section 321(b) of the Older Americans Act of 1965 (42 U.S.C. 3030d(b)) is amended—

(1) in paragraph (1) by striking out "which shall be" and all that follows through "individuals", and

(2) in paragraph (2)—

(A) by striking out "used," and inserting in lieu thereof "used", and

(B) by striking out "centers, to meet" and inserting in lieu thereof "centers and meeting".

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROGRAMS RELATED TO AGING

EDUCATION AND TRAINING

SEC. 401. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after the heading for part A the following new section:

"PURPOSE

"SEC. 410. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by—

"(1) identifying both short- and long-range manpower needs in the field of aging;

"(2) providing a broad range of educational and training opportunities to meet those needs;

"(3) attracting a greater number of qualified personnel into the field of aging;

"(4) helping to upgrade personnel training programs to make them more responsive to the need in the field of aging; and

"(5) establishing and supporting multidisciplinary centers of gerontology and providing special emphasis that will improve, enhance, and expand existing training programs.".

AUTHORITY FOR GRANTS AND CONTRACTS

SEC. 402. Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031-3037a) is amended to read as follows:

"GRANTS AND CONTRACTS

"SEC. 411. (a) The Commissioner shall make grants and enter into contracts to achieve the purpose of this part. The purposes for which such grants and contracts shall be made include the following:

"(1) To provide comprehensive and coordinated nondegree education, training programs, and curricula at institutions of higher education and at other research, training, or educational organizations, for practitioners in the fields of nutrition, health care, supportive services, housing, and long-term care, including the expansion and enhancement of existing inservice education and training programs.

"(2) To provide inservice training opportunities to the personnel of State offices, area agencies, senior centers, and nutrition programs to strengthen their capacity to remain responsive to the needs of older individuals.

"(3) To provide courses on aging and the dissemination of information about aging to the public through institutions of higher education and other organizations and agencies.

"(b) To achieve the purpose of this title, the Office on Aging shall conduct both—

"(1) long-term educational activities to prepare personnel for careers in the field of aging; and

"(2) short-term inservice training and continuing education activities for State and area agency personnel, and other personnel, in the field of aging or preparing to enter the field of aging.

"(c) In making grants and contracts under this part, the Commissioner shall give special consideration to the recruitment and training of personnel, volunteers, and those individuals preparing for employment in that part of the field of aging which relates to providing custodial and skilled care for older individuals who suffer from Alzheimer's disease and other neurological and organic brain diseases and providing family respite services with respect to such individuals.

"(d) In making grants or contracts under this part, the Commissioner shall ensure that all projects and activities related to personnel training shall include specific data on the number of individuals to be trained and the number of older individuals to be served through such training activities by public and nonprofit agencies, State and area agencies on aging, institutions of higher education, and other organizations.".

MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 403. Section 412 of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended—

(1) by inserting "(a)" after "SEC. 412.",

(2) in subsection (a), as so redesignated—

(A) by inserting "(including emphasis on nutrition, employment, health, income maintenance and supportive services)" before the period at the end thereof, and

(B) by adding at the end thereof the following:

"Such centers shall conduct research and policy analysis and function as a technical resource for the Commissioner, policymakers, service providers, and the Congress. Multidisciplinary centers of gerontology shall—

"(1) recruit and train personnel;

"(2) conduct basic and applied research directed toward the development of information related to aging;

"(3) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

"(4) help to develop training programs in the field of aging at schools of public health, education, and other appropriate schools within colleges and universities;

"(5) serve as a repository of information and knowledge on aging; and

"(6) provide consultation and information to public and voluntary organizations, including State and area agencies, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act.", and

(3) by adding at the end thereof the following new subsection:

"(b) Centers supported under this section shall provide data to the Commissioner on the projects and activities for which funds are provided under this title. Such data shall include the number of personnel trained, the number of older individuals served, the number of schools assisted, and other information that will facilitate achieving the purposes of this Act.".

PURPOSE OF PART B

SEC. 404. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after the heading for part B the following new section:

"PURPOSE

"SEC. 420. The purpose of this part is to improve the quality and efficiency of programs serving older individuals through research and development projects, and demonstration projects, designed to—

"(1) develop and synthesize knowledge about aging from multidisciplinary perspectives;

"(2) establish an information base of data and practical experience;

"(3) examine effective models of planning and practice that will improve or enhance services provided under other provisions of this Act;

"(4) evaluate the efficacy, quality, efficiency, and accessibility of programs and services for older individuals; and

"(5) develop, implement, and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.".

RESEARCH AND DEVELOPMENT PROJECTS

SEC. 405. Section 421 of the Older Americans Act of 1965 (42 U.S.C. 3035) is amended—

(1) by inserting "(a)" after "SEC. 421.", and

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

"(b) Each research and development activity proposal for which funds are requested under subsection (a) shall include, when appropriate, a concise policy or practice implication statement.

"(c)(1) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) research activities which will, not later than three years after the date of the enactment of the Older Americans Act Amendments of 1984, collectively—

"(A) contribute to the establishment and maintenance of a demographic data base which contains information on the population of older individuals generally and older individuals categorized by age, sex, race, geographical location, and such other factors as the Commissioner deems useful for purpose of formulating public policy;

"(B) identify the future needs of older individuals;

"(C) identify the kinds and comprehensiveness of programs required to satisfy such needs; and

"(D) identify the kinds and number of personnel required to carry out such programs.

"(2) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) demonstration projects which test research results and implement innovative ways of satisfying the needs of, and delivery services to, older individuals.".

DEMONSTRATION PROJECTS

SEC. 406. (a) Section 422(a) of the Older Americans Act of 1965 (42 U.S.C. 3035a(a)) is amended by striking out "elderly Such" and inserting in lieu thereof "elderly. Such".

(b) Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)) is amended—

(1) in paragraph (6) by striking out "and" at the end thereof,

(2) in paragraph (7) by striking out the period and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(8) identify older individuals who suffer from Alzheimer's disease and other neurological and organic brain diseases, and provide family respite services and other community-based care services to such individuals.".

DEMONSTRATION PROJECTS ON LEGAL SERVICES

SEC. 407. Section 424 of the Older Americans Act of 1965 (42 U.S.C. 3035c) is amended to read as follows:

"SPECIAL DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL SERVICES FOR OLDER INDIVIDUALS

"SEC. 424. (a) The Commissioner shall make grants and enter into contracts, in order to—

"(1) provide nationwide legal services support activities to State and area agencies on aging for providing, developing, or support-

ing legal services for older individuals, including—

"(A) case consultations;

"(B) training;

"(C) provision of substantive legal advice and assistance; and

"(D) assistance in the design, implementation, and administration of legal services delivery systems to local providers of legal services for older individuals; and

"(2) support demonstration projects to expand or improve the delivery of legal services to older individuals with social or economic needs.

"(b) Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

"(c) To carry out subsection (a)(1), the Commissioner shall make grants to or enter into contracts with national nonprofit legal services organizations experienced in providing support, on a nationwide basis, to local legal services providers.".

TECHNICAL AMENDMENTS

SEC. 408. (a) Section 425 of the Older Americans Act of 1965 (42 U.S.C. 3035d) is amended by inserting "(a)" after "SEC. 425."

"(b) Section 426 of the Older Americans Act of 1965 (42 U.S.C. 3035e) is amended by inserting "is" after "business concern".

AUTHORIZATION OF APPROPRIATIONS

SEC. 409. (a) Section 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)) is amended—

(1) by striking out "$23,200,000" and all that follows through "1983, and", and

(2) inserting ", $27,900,000 for fiscal year 1985, $29,300,000 for fiscal year 1986, and $30,800,000 for fiscal year 1987" before the period at the end thereof.

(b) Section 431(b) of the Older Americans Act of 1965 (42 U.S.C. 3037(b)) is amended—

(1) in paragraph (1) by striking out "or" at the end thereof,

(2) in paragraph (2) by striking out the period and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new paragraph:

"(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment.".

TECHNICAL AMENDMENT

SEC. 410. Section 432(a) of the Older Americans Act of 1965 (42 U.S.C. 3037a(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

RESPONSIBILITIES OF COMMISSIONER

SEC. 411. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after section 432 the following new section:

"RESPONSIBILITIES OF COMMISSIONER

"SEC. 433. (a) The Commissioner shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

"(b) The Commissioner shall prepare and publish annually as part of the report provided for in section 207 a detailed description of all grants, contracts, and activities for which funds are paid under this title. Such report shall include the name of the recipient of each such grant or contract, the amount of funds provided for such grant or contract, and a justification of how the funded activity or project will achieve the purpose of this title.".

TITLE V—COMMUNITY SERVICE EMPLOYMENT

TECHNICAL AMENDMENTS

SEC. 501. (a) Section 502(b)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(b)(1)) is amended—

(1) in the third sentence by striking out "he" and inserting in lieu thereof "the Secretary",

(2) in subparagraph (J) by striking out "he" and inserting in lieu thereof "the participant",

(3) in subparagraph (M) by striking out "and" at the end thereof,

(4) in subparagraph (N) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(5) by inserting after paragraph (N) the following new subparagraph:

"(O) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed.".

(b)(1) Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking out "Commissioner of the Administration on Aging" and inserting in lieu thereof "Commissioner of the Office on Aging".

(2) Section 503(b) of the Older American Community Service Employment Act (42 U.S.C. 3056a(b)) is amended by striking out "Comprehensive Employment and Training Act" each place it appears and inserting in lieu thereof "Job Training Partnership Act".

(c) Section 506(a)(3) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)(3)) is amended by inserting "the" after "shall allot to".

(d) Section 507(2) of the Older American Community Service Employment Act (42 U.S.C. 3056e(2)) is amended by striking out "over" each place it appears and inserting in lieu thereof "older".

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Section 508(a) of the Older American Community Service Employment Act (42 U.S.C. 3056f(a)) is amended—

(1) in paragraph (1) by striking out "$277,100,000" and all that follows through "1984", and inserting in lieu thereof "$319,450,000 for fiscal year 1984, $331,900,000 for fiscal year 1985, $345,500,000 for fiscal year 1986, and $359,300,000 for fiscal year 1987", and

(2) in paragraph (2) by striking out "54,200" and inserting in lieu thereof "62,500".

ADMINISTRATION OF COMMUNITY SERVICE EMPLOYMENT PROGRAMS

SEC. 503. In carrying out the Older American Community Service Employment Act (42 U.S.C. 3056–3056f), if the Secretary of Labor requires as a condition for implementing any employment program under such Act that a recipient of program funds place some eligible individuals in unsubsidized employment, then eligible individuals placed by such recipient in any program carried out under title III, IV, or VI of the Older Americans Act of 1965 shall be considered to be placed in unsubsidized employment.

STUDY OF OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

SEC. 504. The Secretary of Labor shall conduct a study to identify alternative mechanisms, supplementing the existing program under the Older American Community Service Employment Act, to increase community service employment opportunities for eligible individuals. Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Congress a report describing the results of such study and proposing draft legislation which, if enacted by the Congress, would increase such employment opportunities.

TITLE VI—GRANTS FOR INDIAN TRIBES

ELIGIBILITY

SEC. 601. Section 602(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3058(a)(1)) is amended by striking out "75" and inserting in lieu thereof "60".

TECHNICAL AMENDMENTS

SEC. 602. Section 604(d) of the Older Americans Act of 1965 (42 U.,S.C. 3057c(d)) is amended—

(1) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner",

(2) in paragraph (1) by striking out "his", and

(3) in paragraph (2) by striking out "his" and inserting in lieu thereof "such".

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) Section 608(a) of the Older Americans Act of 1965 (42 U.S.C. 3057g(a)) is amended—

(1) by striking out "$6,500,000" and all that follows through "1983, and", and

(2) by inserting after "1984" the following: ", $7,900,000 for fiscal year 1985, $8,300,000 for fiscal year 1986, and $8,600,000 for fiscal year 1987".

(b) Section 608 of the Older Americans Act of 1965 (42 U.S.C. 3057g) is amended by striking out subsection (c).

PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS FOR OLDER INDIVIDUALS

PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS

SEC. 701. The Older Americans Act of 1965 (42 U.S.C. 3001, et seq.) is amended by adding at the end a new title as follows:

"TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Older Americans Personal Health Education and Training Act'.

"FINDINGS

"SEC. 702. The Congress hereby finds that—

"(1) individuals 60 years of age or older constitute the fastest growing segment of the Nation's population;

"(2) the process of aging, as well as the changes in lifestyle which accompany it, such as retirement, the end of parenting roles, and relocation, seems to increase and exacerbate health problems faced by older individuals (such health problems include physical, mental, and emotional health problems):

"(3) many of the health problems faced by individuals 60 years of age or older, such as arteriosclerosis, arthritis, adult-onset diabetes, hypothermia, heat stress, Alzheimer's disease, circulatory problems, hypertension, diminished hearing and eyesight, reduced strength, social isolation, and bone fragility

are particularly common to the older American population;

"(4) although older individuals make up only 11 percent of our population, they consume 29 percent of the total health care expenditures and 50.5 percent of Federal health care (non-military) expenditures, and as our population ages the percent of Federal health care dollars absorbed by older individuals will inevitably increase;

"(5) older individuals consume more prescription and over-the-counter drugs than any other group and are therefore more likely to be exposed to drug preparations containing two or more active drugs which negatively interact;

"(6) many of the health problems faced by older individuals and the fear of those health problems can be ameliorated and in some cases prevented if proper health education and training is available;

"(7) health education and training focused specifically on the needs of older individuals can play an important role in health promotion and illness prevention and simultaneously help reduce medical costs for both individuals and the Government;

"(8) the educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology have much to offer in the design and implementation of health education and training services for older individuals; and

"(9) the existing 3,300 multipurpose senior centers established under this Act which already serve over 9,000,000 older individuals each year, are appropriate points of contact from which health education and training can be provided, but there is currently no uniform, standardized program consistently in place across the Nation.

"PURPOSES

"SEC. 703. The purposes of this title are to provide the necessary resources, leadership, and coordination (1) to design a uniform, standardized program of health education and training for older individuals; (2) to directly involve graduate educational institutions of public health in the design of such program; (3) to directly involve the graduate educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology in the implementation of such program; (4) to implement such program in all the States in multipurpose senior centers established under this Act; and (5) to evaluate such program.

"OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SEC. 704. (a) In order to foster and promote the design and implementation of a health education and training program for individuals who are 60 years of age or older, the Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') shall establish an older individuals personal health education and training program within the Office on Aging.

"(b)(1) In order to carry out the provisions of this title, the Secretary, through the Office on Aging, shall enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, or gerontology in order to achieve the purposes of this title. No payment shall be made by the Secretary toward the cost of any such project established or administered by any such institution unless the Secretary determines that such project—

"(A) will provide for the design and implementation of a local or statewide demonstration health education and training program which is amenable to eventual replication in multipurpose senior centers, as well as other sites convenient to older individuals in all the States;

"(B) will provide for utilization of multipurpose senior centers established under section 321(b)(1) with regard to both the design and the provision of services;

"(C) will be generally applicable to the health needs of all individuals 60 years of age or older;

"(D) will provide for the development of uniform, standardized components relating to specific problems encountered by older individuals, such as diet, mental health, physical fitness, hypertension, retirement, health insurance, hypothermia, and legal advice concerning rights to live and to receive medical treatment;

"(E) will provide education in the safe and effective use of prescription and nonprescription medicines;

"(F) will address the motivation of older individuals including consideration of the elements of self-responsibility, physical fitness, stress management, nutrition, and environmental awareness; and the benefits older individuals can derive from behavioral and lifestyle modifications within their individual control;

"(G) will provide for peer contact and interaction among participating older individuals;

"(H) will provide for the training and utilization of graduate students (including the consideration of the granting of course credit to such students) and faculty in the fields of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology;

"(I) will provide for the training and utilization of older individuals participating in such projects as volunteers;

"(J) will ensure that participating older individuals are made aware of the health services available to them in their communities;

"(K) will be designed in consultation with persons specifically competent in the field of public health;

"(L) will demonstrate the ability of those who carry out such project to generate multidisciplinary working relationships with other groups in relevant fields, including the medical sciences, mental health, pharmacology, nursing, social work, education, and nutrition;

"(M) will provide for coordination with the State agency designated under section 305(a)(1) and State health officials in the State in which such project is carried out; and

"(N) will implement education and training activity in at least 10 separate sites.

"(2) The Secretary shall establish, issue, and amend such regulations as may be necessary to effectively carry out this title.

"(c)(1) The Secretary shall pay not to exceed 90 percent of the cost of any project which is the subject of a contract entered into under subsection (b).

"(2) The remaining cost of such project shall be provided from non-Federal sources, in cash or in-kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair-market value to services and facilities contributed from non-Federal sources.

"(3) In considering grant or contract applications under this title, the Secretary shall give priority to grants and contracts smaller than $150,000.

"(d) The Secretary shall prepare and submit to the Congress, not later than one year after the effective date of the Older Americans Personal Health Education and Training Act, an interim report describing the projects approved under subsection (b) and a design for the evaluation of such projects. The Secretary shall prepare and submit to the President and the Congress a final report on the projects approved under subsection (b) not later than February 1, 1987, along with such findings and recommendations as the Secretary deems appropriate.

"ADMINISTRATION

"SEC. 705. (a) In carrying out this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and to cooperate on a similar basis with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

"(b) Payments under this title may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"(c) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the United States.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 706. (a) There are authorized to be appropriated to carry out this title $8,550,000 for fiscal year 1985 and such sums as may be necessary for fiscal years 1986 and 1987.

"(b) Amounts appropriated under this section for any fiscal year shall remain available for obligation until expended.".

TITLE VIII—AMENDMENTS TO OTHER LAWS; EFFECTIVE DATES

RELATED AND CONFORMING AMENDMENTS

SEC. 801. (a) Section 14(c) of the National School Lunch Act (42 U.S.C. 1762a(c)) is amended by striking out "section 311(c)(1) of such Act (42 U.S.C. 3030(c)(1))" and inserting in lieu thereof "section 311(b)(1) of such Act (42 U.S.C. 3030(b)(1))".

(b) Section 204(b)(7) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(7)) is amended by striking out "Administration on Aging" and inserting in lieu thereof "Office of Aging".

(c) Section 501(b) of the Comprehensive Older Americans Act Amendments of 1978 (42 U.S.C. 3045 note) is amended by inserting after the first sentence the following: "Such process shall include evaluation of each bidder's experience in providing services to older individuals.".

REFERENCES IN OTHER LAWS

SEC. 802. Any reference to the Administration on Aging in any law in effect on the date of the enactment of this Act, other than a reference in an Act amended by this Act, shall be deemed to be a reference to the Office on Aging.

EFFECTIVE DATES

SEC. 803. (a) Except as provided in subsection (b) and subsection (c), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b)(1) The amendment made by section 206(a) shall take effect sixty days after the date of the enactment of this Act.

(2) The amendment made by section 206(c) shall take effect on the first day of the first

fiscal year beginning after the date of the enactment of this Act.

(3) The amendment made by section 701 shall take effect on October 1, 1984.

(c) The amendment made by section 409(b) shall not apply with respect to any grant or payment made before the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. LEATH of Texas). Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina [Mr. ANDREWS] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. ANDREWS].

Mr. ANDREWS of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Education and Labor, I am pleased to present H.R. 4785, the Older Americans Act Amendments of 1984 for consideration by the House today. This bill represents a strong, bipartisan effort, with 99 cosponsors from both sides of the aisle. My colleague, Congressman TOM PETRI, the ranking Republican on the Human Resources Subcommittee, has joined me as an original cosponsor, along with Congressman MARIO BIAGGI, Congressman PAT WILLIAMS, Congressman BALTASAR CORRADA, and Congresswoman OLYMPIA SNOWE.

Most of all, I was pleased to be joined by that member who is listed second on this bill, as he was on so many of the bills I have introduced as one of his subcommittee chairmen—the Honorable CARL PERKINS of Kentucky. This piece of legislation, as well as so many others which bear the mark of his influence and concern, stands as a far more eloquent memorial to our chairman than certainly I can put into words. I am proud to have known him. I am thankful that I was able to count him as a friend.

Mr. Speaker, as recently as last Thursday we met to plan this presentation today. He was to be here with me at this moment. He shared his concerns about this program and how it was working, particularly in Kentucky. He personally went to the senior centers in his district and was working vigorously, as he always did, to improve them. That is our purpose here today.

Mr. Speaker, some have suggested that the bill should be put over to a later date because of his untimely death on Friday and because many of us will be going to his funeral tomorrow, but I think I knew Chairman PERKINS well enough to know that his concern for this great program, as well as all the others from my subcommittee which otherwise expire this year, were such that he would urge us to go forward with the bill today and to vigorously pursue it and all the others to the end that they might serve the purpose that he and all of us had for them.

Mr. Speaker, the Older Americans Act, to my mind, has proven to be one of the very best Federal programs Congress has ever developed. Few programs come close to matching the good that it does for the dollar we invest. It provides a full range of services and programs to meet the needs of older people in their own communities—in their hometowns. It provides senior centers and nutrition programs. It takes home-delivered meals and other services to the homebound. It employs low-income, unemployed older people in community service helping others.

Last year, in our Fourth Congressional District of North Carolina, for example, the 7 senior centers and some 20 supplementary sites served more than 230,000 meals to more than 13,000 senior citizens. Nationwide, the program reached more than 9 million older individuals through some 3,300 centers.

Now those are impressive numbers; by themselves they stand as ample justification. But dry statistics cannot tell the full story. There is something even more important at work here—a human side that statistics can never capture.

The Older Americans Act provides a setting for older people to come together and share together. This may be as important as the food which is served. It is a medical fact that our physical health is closely tied to our emotional well-being. In a very real sense, then, the Older Americans Act is one of the best cures yet discovered for the health-sapping loneliness, depression, and isolation which too often accompany us into our later years.

The committee set about its work of reauthorizing this act with the understanding that it was generally working well, and that our goal should be to extend it and accomplish whatever administrative fine tuning was deemed necessary. Based on public hearings and testimony received through letters and in meeting with interested groups, this understanding was verified—the program is working well and accomplishing what Congress intends. We have made one important addition. We have added a new title VII, which will provide health education and training to older Americans. Let me briefly describe the minor changes which are proposed and then I will describe the new title VII in some detail.

H.R. 4785 reauthorizes the Older Americans Act for 3 additional years. With one exception made in committee, funding levels would be increased by about 5 percent each year to roughly account for inflation. The one exception is for supportive services and senior centers. Here, the committee believed that an additional 5-percent increase was justified because of increasing demands for in-home services caused, at least in part, by the earlier release of medicare patients from hospitals. Also, the number of older elderly—those more than 75 years old—needing special help is increasing.

Among the modest changes made in the act is one to elevate the status of the Administration on Aging [AOA] to that of an Office on Aging. This eliminates one layer of bureaucracy and should ensure that the Commissioner on Aging reports directly to the Secretary of Health and Human Services, as is currently required, rather than to the Assistant Secretary of the Office of Human Development Services, as we found to be currently practiced.

The bill would require that regulations be published in a timely manner. The administration has yet to publish regulations from the previous reauthorization. An accounting would be made of the use of funds for the three national priority services.

H.R. 4785 would require that consideration be given to a nutrition provider's experience in working with older people, when contracts for providing meals are awarded. This should assure us that the quality of meals being provided is taken into consideration—along with the cost of meals—when contracts are being let. This issue was particularly important to Chairman PERKINS.

Clarifying language has been added on the role of area agencies on aging in facilitating the coordination of community-based, long-term care services. More attention is proposed to the needs of nursing home residents.

In title IV—the training and research section—and elsewhere throughout the act, the committee has indentified Alzheimer's disease as an important concern requiring more attention. Also in title IV, clarifying and perfecting amendments are proposed relating to the purposes of various sections contained in that title.

As I mentioned, H.R. 4785 provides a new title VII to the act. It is designed to encourage the development of health education and training programs aimed specifically at the needs of older individuals. For a very modest investment, we may be able to help the elderly reduce their medical bills through preventive, health maintenance training. This could also help to halt or at least slow the seemingly ever-escalating cost of Federal assistance for medical care, once the time for prevention has passed.

The new title VII would use existing resources already provided by the Older Americans Act. The network of 3,300 senior centers would serve as classrooms. The 9 million or more older individuals now using those centers each year form an existing student body, so to speak, which could

hopefully be expanded as the program is further developed. Faculty and graduate students will serve as teachers—coming from the fields of public health, the medical sciences, psychology, pharmacology, nursing, nutrition, gerontology, social work, and education and others. Title VII simply provides the focus for these existing elements to be combined toward the development of uniform and standardized health education and training programs for older Americans.

Mr. Speaker, the committee is pleased to present this bill today for consideration by the House. It continues a program that is important to older citizens throughout this country; it is a program that is working well; and it is a program that deserves the continued support of the Congress.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of North Carolina. I am pleased to yield to the distinguished gentleman from Montana, who is a member of the Subcommittee on Human Resources.

Mr. WILLIAMS of Montana. Mr. Speaker, I thank the chairman of the subcommittee for yielding.

I want to join the gentleman in his sorrow about the passing of our chairman and our friend, Congressman CARL PERKINS of Kentucky. CARL PERKINS was a good, kind, knowledgeable, and decent man whose legacy is in the quality of the Nation's schools and the safety of the factory workplaces.

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CARL PERKINS was for fairness. His life was about fairness toward his constituents in Kentucky and fairness toward those millions of Americans who depended upon his legislative legerdemain for their safety and for the improvement of their personal lives.

Mr. Speaker, I am in support of this legislation and I particularly want to commend that interpretation of the bill which assures that our senior citizens and our public libraries have access to titles III and IV of this act. I am pleased that title V will assist in providing employment in our libraries to our seniors. Librarians are eager to continue and expand their current fine services to our older Americans. The expansion of those library services will mean improved coordination with other services currently available to our senior citizens. Libraries will be able to assure the full use by seniors of the various services and the broad range of library activities.

It is particularly critical that seniors be included as workers, volunteers in our public libraries.

Mr. Speaker, I commend the chairman of the subcommittee for his thoughtful work on this legislation.

The SPEAKER pro tempore. The Chair would like to point out to the gentleman from North Carolina that since the gentleman included additional amendments which were not printed for one legislature day in the motion to suspend the rules, the Chair therefore will have to inquire whether a second is demanded.

The clerk will report the title of the bill.

The Clerk read the title of the bill.

The text of the bill, as amended, is as follows:

H.R. 4785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act Amendments of 1984".

TITLE I—AMENDMENTS REGARDING OBJECTIVES AND DEFINITIONS

AMENDMENT TO HEADING

SEC. 101. The heading for title I of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by striking out the colon and inserting in lieu thereof a semicolon.

COMMUNITY-BASED, LONG-TERM CARE SERVICES

SEC. 102. (a) Section 101(4) of the Older Americans Act of 1965 (42 U.S.C. 3001(4)) is amended by inserting before the period the following: ", and a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes".

(b) Section 101(10) of the Older Americans Act of 1965 (42 U.S.C. 3001(10)) is amended by inserting before the period the following: "and full participation in the planning and operation of community-based services and programs provided for their benefit".

TITLE II—AMENDMENTS REGARDING THE ADMINISTRATION ON AGING

AMENDMENT TO HEADING

SEC. 201. The heading for title II of the Older Americans Act of 1965 (42 U.S.C. 3011 et seq.) is amended to read as follows:

"TITLE II—OFFICE ON AGING"

OFFICE ON AGING

SEC. 202. Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended to read as follows:

"ESTABLISHMENT OF OFFICE ON AGING

"SEC. 201. (a) There is established in the office of the Secretary an Office on Aging (hereinafter in this Act referred to as the 'Office') which shall be headed by the Commissioner on Aging. The Office shall be the principal agency for carrying out this Act, other than title V. In the performance of the functions of the Office, the Commissioner shall be directly responsible to the Secretary. There shall be a direct reporting relationship between the Commissioner and the Secretary. The Secretary shall not approve any delegation of the functions of the Office to any officer not directly responsible to the Commissioner.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate.".

FUNCTIONS OF OFFICE ON AGING

SEC. 203. (a) The heading for section 202 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by striking out "Commissioner" and inserting in lieu thereof "Office on Aging".

(b) Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) by striking out "function of the Administration" and inserting in lieu thereof "function of the Office",

(2) in paragraph (5) by striking out "of and carry out" and inserting in lieu thereof "and implementation of",

(3) in paragraph (16) by striking out "and",

(4) in paragraph (17) by striking out the period and inserting in lieu thereof "; and", and

(5) by adding at the end thereof the following new paragraph:

"(18) to consult with national organizations representing minority individuals to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and area agencies in providing services to older individuals with the greatest economic or social needs.".

(c) Section 202(b) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(d) Section 202(c) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)) is amended by striking out "his duties and functions" and inserting in lieu thereof "the duties and functions of the Office".

FEDERAL AGENCY CONSULTATION

SEC. 204. Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) the Job Training Partnership Act,",

(2) in paragraph (8)—

(A) by striking out "the community schools program under the Elementary and Secondary Education Act of 1965,", and

(B) by striking out "1965, and" and inserting in lieu thereof "1965 and", and

(3) in paragraph (9) by striking out "5,".

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) Section 204(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3015(b)(2)) is amended by striking out "his" and inserting in lieu thereof "such member's".

(b) Section 204(c) of the Older Americans Act of 1965 (42 U.S.C. 3015(c)) is amended by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson".

(c) Section 204(e) of the Older Americans Act of 1965 (42 U.S.C. 3015(e)) is amended by striking out "Chairman" and inserting in lieu thereof "Chairperson".

(d) Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended—

(1) by striking out "$200,000" and all that follows through "1983, and", and

(2) by inserting before the period at the end thereof the following: "and $200,000 for each of the fiscal years 1985, 1986, and 1987".

ISSUANCE OF REGULATIONS

SEC. 206. (a) Section 205(b) of the Older Americans Act of 1965 (42 U.S.C. 3016(b)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Office".

(b) Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) by redesignating subsection (c) as subsection (d), and

(2) by inserting after subsection (b) the following new subsection:

"(c) Not later than 120 days after the date of the enactment of the Older Americans Act Amendments of 1984, the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this Act. After allowing a reasonable period for public comment on such proposed rules and not later than ninety days after such publication, the Secretary shall issue,

in final form, regulations for the administration of this Act.".

EVALUATION

SEC. 207. (a) The first sentence of section 206(b) of the Older Americans Act of 1965 (42 U.S.C. 3017(b)) is amended to read as follows: "The Secretary may not make grants or contracts under title IV of this Act until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such title.".

(b) Section 206(c) of the Older Americans Act of 1965 (42 U.S.C. 3017(c)) is amended by adding at the end thereof the following: "In carrying out such evaluations, the Secretary shall consult with organizations concerned with older individuals, including those representing minority individuals.".

(c) Section 206(g) of the Older Americans Act of 1965 (42 U.S.C. 3017(g)) is amended by inserting "one-fourth of" after "exceed".

REPORTS

SEC. 208. Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended by striking out "for transmittal" and inserting in lieu thereof "and".

REDUCTION OF PAPERWORK

SEC. 209. Section 211 of the Older Americans Act of 1965 (42 U.S.C. 3020b) is amended—

(1) by striking out "Administration" and inserting in lieu thereof "Office", and

(2) by inserting before the period at the end thereof the following: "and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available".

TITLE III—GRANTS FOR PROGRAMS ON AGING

TECHNICAL AMENDMENTS

SEC. 301. Section 301(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3021(b)(1)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

DEFINITIONS

SEC. 302. Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(1) in paragraph (6) by striking out "and the Northern Mariana Islands" and inserting in lieu thereof ", and the Commonwealth of the Northern Mariana Islands", and

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

"(10) The term 'older individual' means any individual who is sixty years of age or older.

"(11) The term 'multipurpose senior centers' means community facilities for the organization and provision of a broad spectrum of services, including provision of health, social, nutritional, and educational services and provision of facilities for recreational activities, for older individuals.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. (a) Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)) is amended—

(1) by striking out "$300,000,000" and all that follows through "1983, and", and

(2) by inserting after "1984," the following: "$386,300,000 for the fiscal year 1985, $405,600,000 for the fiscal year 1986, and $424,900,000 for the fiscal year 1987,".

(b) Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "$350,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$383,600,000 for fiscal year 1985, $402,800,000 for fiscal year 1986, and $423,000,000 for fiscal year 1987,", and

(2) in paragraph (2)—

(A) by striking out "$80,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$72,300,000 for fiscal year 1985, $75,800,000 for fiscal year 1986, and $79,600,000 for fiscal year 1987,".

TECHNICAL AMENDMENTS

SEC. 304. (a) Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "Northern Mariana Islands" each place it appears and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands", and

(B) by striking out "clause (A)" and inserting in lieu thereof "subparagraph (A)", and

(2) in paragraph (2) by striking out "him" and inserting in lieu thereof "the Commissioner".

(b) Section 304(b) of the Older Americans Act of 1965 (42 U.S.C. 3024(b)) is amended by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner".

(c) Section 304(c) of the Older Americans Act of 1965 (42 U.S.C 3024(c)) is amended—

(1) by striking out "subsection (d)(1)(B)" and inserting in lieu thereof "subsection (d)(1)(C)", and

(2) by striking out "for in-kind resources" and inserting in lieu thereof "or in-kind resources".

(d) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended—

(1) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1)",

(2) in subparagraph (D) by striking out "subclause (C)" and inserting in lieu thereof "subparagraph (C)", and

(3) in subparagraph (E)—

(A) by inserting ", with particular attention to low-income minority individuals," after "social needs", and

(B) by adding at the end thereof the following: "For purposes of this subparagraph the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.".

(e) Section 305(b) of the Older Americans Act of 1965 (42 U.S.C. 3025(b)) is amended—

(1) in paragraphs (1), (2), and (4) by striking out "clause (1)" each place it appears and inserting in lieu thereof "paragraph (1)", and

(2) in paragraph (3) by striking out "he" and inserting in lieu thereof "the Commissioner".

AREA PLANS

SEC. 305. (a) Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (2)—

(A) by inserting "each of the following categories of services" after "the delivery of", and

(B) by striking out "and that some funds" and all that follows through "services", and inserting in lieu thereof "and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded",

(2) in paragraph (5)(A) by inserting ", with particular attention to low-income minority individuals," after "social needs", and

(3) in paragraph (6)—

(A) by striking out subparagraph (F),

(B) in subparagraph (G) by inserting "(including minority individuals)" after "individuals" the first place it appears,

(C) in subparagraph (H) by striking out "clause (2); and" and inserting in lieu thereof "paragraph (2);",

(D) in subparagraph (I) by striking out the period at the end thereof and inserting in lieu thereof "; and",

(E) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively, and

(F) by adding at the end thereof the following:

"(I) conduct efforts to facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to emphasize the development of client-centered care management systems as a component of such services; and

"(J) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities.

For purposes of paragraph (5)(A), the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.".

(b) Section 306(b) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)) is amended to read as follows:

"(b) Each State shall not approve an area agency plan under this section unless the requirements of paragraph (2) of subsection (a) are fully satisfied. A State shall waive the requirements described in paragraph (2) of subsection (a) for any category of services described in such paragraph only if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area. Such demonstration by the area agency shall be based on a public hearing, held within two years of the request for a waiver, where all interested parties are notified and given an opportunity to appear and present testimony. A record of the public hearing shall accompany an area agency's request for a waiver.".

STATE PLANS

SEC. 306. (a) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (10) by striking out ", including nutrition services," and inserting in lieu thereof "or nutrition services,",

(2) in paragraph (12)—

(A) in subparagraph (A)—

(i) by striking out "which is not" the first place it appears and inserting in lieu thereof ", other than an agency or organization which is",

(ii) by striking out "not" the second place it appears,

(iii) by striking out "will—" and inserting in lieu thereof "provides individuals who will, on a full-time basis—", and

(iv) in clause (iv) by inserting "staff and" after "training",

(B) in subparagraph (C) by striking out "and" at the end thereof,

(C) in subparagraph (D)(ii) by inserting "and" after the semicolon at the end thereof, and

(D) by adding at the end thereof the following new subparagraph:

"(E) in planning and operating the ombudsman program, consider the views of area agencies on aging, older individuals, and provider agencies;",

(3) in paragraph (17)(B)(ii) by striking out the period and inserting in lieu thereof "; and", and

(4) in paragraph (18)—

(A) by striking out "Northern Mariana Islands" and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands", and

(B) by striking out "clause" each place it appears and inserting in lieu thereof "paragraph".

(b) Section 307(b) of the Older Americans Act of 1965 (42 U.S.C. 3027(b)) is amended—

(1) in paragraph (1) by striking out "he" and inserting in lieu thereof "the Commissioner", and

(2) in paragraph (2) by striking out "clause (3)(B)" each place it appears and inserting in lieu thereof "paragraph (3)(B)".

(c) Section 307(d) of the Older Americans Act of 1965 (42 U.S.C. 3027(d)) is amended—

(1) by striking out "his" and inserting in lieu thereof "the Commissioner's",

(2) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner", and

(3) by striking out "section 307" and inserting in lieu thereof "this section".

(d) Section 307(e) of the Older Americans Act of 1965 (42 U.S.C. 3027(e)) is amended—

(1) in paragraph (1)—

(A) by striking out "him" and inserting in lieu thereof "the Commissioner", and

(B) by striking out "he based his action" and inserting in lieu thereof "the Commissioner's action is based", and

(2) in the first sentence of paragraph (2) by striking out "his" and inserting in lieu thereof "the Commissioner's".

ADMINISTRATION OF STATE PLANS

SEC. 307. Section 308(b) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "clause (A)" and inserting in lieu thereof "subparagraph (A)", and

(B) by striking out "Northern Mariana Islands" each place it appears and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands",

(2) in paragraph (4) by striking out "most recent satisfactory data available to him" and inserting in lieu thereof "most recent data of the Bureau of the Census available to the Commissioner",

(3) in paragraph (5) by striking out "he" and inserting in lieu thereof "the Commissioner", and

(4) in paragraph (6) by striking out "20 per centum" and inserting in lieu thereof "25 per centum".

TECHNICAL AMENDMENT

SEC. 308. Section 309(a) of the Older Americans Act of 1965 (42 U.S.C. 3029(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

SURPLUS COMMODITIES; AUTHORIZATION OF APPROPRIATIONS

SEC. 309. (a) Section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4)) is amended—

(1) by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)", and

(2) by inserting "for All Urban Consumers" after "Consumer Price Index".

(b) Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended by redesignating subsection (d)(1) as (c)(1).

(c) Section 311(c), as so redesignated, is amended—

(1) in paragraph (1)—

(A) by striking out "$93,200,000" and all that follows through "1983, and", and

(B) by inserting "$121,800,000 for fiscal year 1985, $127,900,000 for fiscal year 1986, and $134,300,000 for fiscal year 1987," after "1984,", and

(2) in paragraph (2) by striking out "appropriation" and inserting in lieu thereof "appropriations".

SUPPORTIVE SERVICES

SEC. 310. (a) Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (6) by striking out "and financial counseling" and inserting in lieu thereof ", financial counseling, and counseling regarding appropriate health and life insurance coverage",

(2) in paragraph (8) by striking out "illness" and inserting in lieu thereof "illnesses",

(3) in paragraph (14) by striking out "or" at the end thereof,

(4) by redesignating paragraph (15) as paragraph (16), and

(5) by inserting after paragraph (14) the following new paragraph:

"(15) services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services; or".

(b) Section 321(b) of the Older Americans Act of 1965 (42 U.S.C. 3030d(b)) is amended—

(1) in paragraph (1) by striking out "which shall be" and all that follows through "individuals", and

(2) in paragraph (2)—

(A) by striking out "used," and inserting in lieu thereof "used", and

(B) by striking out "centers, to meet" and inserting in lieu thereof "centers and meeting".

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROGRAMS RELATED TO AGING

EDUCATION AND TRAINING

SEC. 401. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after the heading for part A the following new section:

"PURPOSE

"SEC. 410. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by—

"(1) identifying both short- and long-range manpower needs in the field of aging;

"(2) providing a broad range of educational and training opportunities to meet those needs;

"(3) attracting a greater number of qualified personnel into the field of aging;

"(4) helping to upgrade personnel training programs to make them more responsive to the need in the field of aging; and

"(5) establishing and supporting multidisciplinary centers of gerontology and providing special emphasis that will improve, enhance, and expand existing training programs.".

AUTHORITY FOR GRANTS AND CONTRACTS

SEC. 402. Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031-3037a) is amended to read as follows:

"GRANTS AND CONTRACTS

"SEC. 411. (a) The Commissioner shall make grants and enter into contracts to achieve the purpose of this part. The purposes for which such grants and contracts shall be made include the following:

"(1) To provide comprehensive and coordinated nondegree education, training programs, and curricula at institutions of higher education and at other research, training, or educational organizations, for practitioners in the fields of nutrition, health care, supportive services, housing, and long-term care, including the expansion and enhancement of existing inservice education and training programs.

"(2) To provide inservice training opportunities to the personnel of State offices, area agencies, senior centers, and nutrition programs to strengthen their capacity to remain responsive to the needs of older individuals.

"(3) To provide courses on aging and the dissemination of information about aging to the public through institutions of higher education and other organizations and agencies.

"(b) To achieve the purpose of this title, the Office on Aging shall conduct both—

"(1) long-term educational activities to prepare personnel for careers in the field of aging; and

"(2) short-term inservice training and continuing education activities for State and area agency personnel, and other personnel, in the field of aging or preparing to enter the field of aging.

"(c) In making grants and contracts under this part, the Commissioner shall give special consideration to the recruitment and training of personnel, volunteers, and those individuals preparing for employment in that part of the field of aging which relates to providing custodial and skilled care for older individuals who suffer from Alzheimer's disease and other neurological and organic brain diseases and providing family respite services with respect to such individuals.

"(d) In making grants or contracts under this part, the Commissioner shall ensure that all projects and activities related to personnel training shall include specific data on the number of individuals to be trained and the number of older individuals to be served through such training activities by public and nonprofit agencies, State and area agencies on aging, institutions of higher education, and other organizations.".

MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 403. Section 412 of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended—

(1) by inserting "(a)" after "SEC. 412.",

(2) in subsection (a), as so redesignated—

(A) by inserting "(including emphasis on nutrition, employment, health, income maintenance and supportive services)" before the period at the end thereof, and

(B) by adding at the end thereof the following:

"Such centers shall conduct research and policy analysis and function as a technical resource for the Commissioner, policymak-

ers, service providers, and the Congress. Multidisciplinary centers of gerontology shall—

"(1) recruit and train personnel;

"(2) conduct basic and applied research directed toward the development of information related to aging;

"(3) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

"(4) help to develop training programs in the field of aging at schools of public health, education, and other appropriate schools within colleges and universities;

"(5) serve as a repository of information and knowledge on aging; and

"(6) provide consultation and information to public and voluntary organizations, including State and area agencies, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act.", and

(3) by adding at the end thereof the following new subsection:

"(b) Centers supported under this section shall provide data to the Commissioner on the projects and activities for which funds are provided under this title. Such data shall include the number of personnel trained, the number of older individuals served, the number of schools assisted, and other information that will facilitate achieving the purposes of this Act.".

PURPOSE OF PART B

SEC. 404. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after the heading for part B the following new section:

"PURPOSE

"SEC. 420. The purpose of this part is to improve the quality and efficiency of programs serving older individuals through research and development projects, and demonstration projects, designed to—

"(1) develop and synthesize knowledge about aging from multidisciplinary perspectives;

"(2) establish an information base of data and practical experience;

"(3) examine effective models of planning and practice that will improve or enhance services provided under other provisions of this Act;

"(4) evaluate the efficacy, quality, efficiency, and accessibility of programs and services for older individuals; and

"(5) develop, implement, and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.".

RESEARCH AND DEVELOPMENT PROJECTS

SEC. 405. Section 421 of the Older Americans Act of 1965 (42 U.S.C. 3035) is amended—

(1) by inserting "(a)" after "SEC. 421.", and

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

"(b) Each research and development activity proposal for which funds are requested under subsection (a) shall include, when appropriate, a concise policy or practice implication statement.

"(c)(1) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) research activities which will, not later than three years after the date of the enactment of the Older Americans Act Amendments of 1984, collectively—

"(A) contribute to the establishment and maintenance of a demographic data base which contains information on the population of older individuals generally and older individuals categorized by age, sex, race, geographical location, and such other factors as the Commissioner deems useful for purpose of formulating public policy;

"(B) identify the future needs of older individuals;

"(C) identify the kinds and comprehensiveness of programs required to satisfy such needs; and

"(D) identify the kinds and number of personnel required to carry out such programs.

"(2) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) demonstration projects which test research results and implement innovative ways of satisfying the needs of, and delivery services to, older individuals.".

DEMONSTRATION PROJECTS

SEC. 406. (a) Section 422(a) of the Older Americans Act of 1965 (42 U.S.C. 3035a(a)) is amended by striking out "elderly Such" and inserting in lieu thereof "elderly. Such".

(b) Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)) is amended—

(1) in paragraph (6) by striking out "and" at the end thereof,

(2) in paragraph (7) by striking out the period and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(8) identify older individuals who suffer from Alzheimer's disease and other neurological and organic brain diseases, and provide family respite services and other community-based care services to such individuals.".

DEMONSTRATION PROJECTS ON LEGAL SERVICES

SEC. 407. Section 424 of the Older Americans Act of 1965 (42 U.S.C. 3035c) is amended to read as follows:

"SPECIAL DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL SERVICES FOR OLDER INDIVIDUALS

"SEC. 424. (a) The Commissioner shall make grants and enter into contracts, in order to—

"(1) provide nationwide legal services support activities to State and area agencies on aging for providing, developing, or supporting legal services for older individuals, including—

"(A) case consultations;

"(B) training;

"(C) provision of substantive legal advice and assistance; and

"(D) assistance in the design, implementation, and administration of legal services delivery systems to local providers of legal services for older individuals; and

"(2) support demonstration projects to expand or improve the delivery of legal services to older individuals with social or economic needs.

"(b) Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

"(c) To carry out subsection (a)(1), the Commissioner shall make grants to or enter into contracts with national nonprofit legal services organizations experienced in providing support, on a nationwide basis, to local legal services providers.".

TECHNICAL AMENDMENTS

SEC. 408. (a) Section 425 of the Older Americans Act of 1965 (42 U.S.C. 3035d) is amended by inserting "(a)" after "SEC. 425."

"(b) Section 426 of the Older Americans Act of 1965 (42 U.S.C. 3035e) is amended by inserting "is" after "business concern".

AUTHORIZATION OF APPROPRIATIONS

SEC. 409. (a) Section 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)) is amended—

(1) by striking out "$23,200,000" and all that follows through "1983, and", and

(2) inserting ", $27,900,000 for fiscal year 1985, $29,300,000 for fiscal year 1986, and $30,800,000 for fiscal year 1987" before the period at the end thereof.

(b) Section 431(b) of the Older Americans Act of 1965 (42 U.S.C. 3037(b)) is amended—

(1) in paragraph (1) by striking out "or" at the end thereof,

(2) in paragraph (2) by striking out the period and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new paragraph:

"(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment.".

TECHNICAL AMENDMENT

SEC. 410. Section 432(a) of the Older Americans Act of 1965 (42 U.S.C. 3037a(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

RESPONSIBILITIES OF COMMISSIONER

SEC. 411. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after section 432 the following new section:

"RESPONSIBILITIES OF COMMISSIONER

"SEC. 433. (a) The Commissioner shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

"(b) The Commissioner shall prepare and publish annually as part of the report provided for in section 207 a detailed description of all grants, contracts, and activities for which funds are paid under this title. Such report shall include the name of the recipient of each such grant or contract, the amount of funds provided for such grant or contract, and a justification of how the funded activity or project will achieve the purpose of this title.".

TITLE V—COMMUNITY SERVICE EMPLOYMENT

TECHNICAL AMENDMENTS

SEC. 501. (a) Section 502(b)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(b)(1)) is amended—

(1) in the third sentence by striking out "he" and inserting in lieu thereof "the Secretary",

(2) in subparagraph (J) by striking out "he" and inserting in lieu thereof "the participant",

(3) in subparagraph (M) by striking out "and" at the end thereof,

(4) in subparagraph (N) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(5) by inserting after paragraph (N) the following new subparagraph:

"(O) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom ques-

tions regarding the application of such chapter may be addressed.".

(b)(1) Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking out "Commissioner of the Administration on Aging" and inserting in lieu thereof "Commissioner of the Office on Aging".

(2) Section 503(b) of the Older American Community Service Employment Act (42 U.S.C. 3056a(b)) is amended by striking out "Comprehensive Employment and Training Act" each place it appears and inserting in lieu thereof "Job Training Partnership Act".

(c) Section 506(a)(3) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)(3)) is amended by inserting "the" after "shall allot to".

(d) Section 507(2) of the Older American Community Service Employment Act (42 U.S.C. 3056e(2)) is amended by striking out "over" each place it appears and inserting in lieu thereof "older".

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Section 508(a) of the Older American Community Service Employment Act (42 U.S.C. 3056f(a)) is amended—

(1) in paragraph (1) by striking out "$277,100,000" and all that follows through "1984", and inserting in lieu thereof "$319,450,000 for fiscal year 1984, $331,900,000 for fiscal year 1985, $345,500,000 for fiscal year 1986, and $359,300,000 for fiscal year 1987", and

(2) in paragraph (2) by striking out "54,200" and inserting in lieu thereof "62,500".

ADMINISTRATION OF COMMUNITY SERVICE EMPLOYMENT PROGRAMS

SEC. 503. In carrying out the Older American Community Service Employment Act (42 U.S.C. 3056-3056f), if the Secretary of Labor requires as a condition for implementing any employment program under such Act that a recipient of program funds place some eligible individuals in unsubsidized employment, then eligible individuals placed by such recipient in any program carried out under title III, IV, or VI of the Older Americans Act of 1965 shall be considered to be placed in unsubsidized employment.

STUDY OF OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

SEC. 504. The Secretary of Labor shall conduct a study to identify alternative mechanisms, supplementing the existing program under the Older American Community Service Employment Act, to increase community service employment opportunities for eligible individuals. Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Congress a report describing the results of such study and proposing draft legislation which, if enacted by the Congress, would increase such employment opportunities.

TITLE VI—GRANTS FOR INDIAN TRIBES

ELIGIBILITY

SEC. 601. Section 602(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3058(a)(1)) is amended by striking out "75" and inserting in lieu thereof "60".

TECHNICAL AMENDMENTS

SEC. 602. Section 604(d) of the Older Americans Act of 1965 (42 U.,S.C. 3057c(d)) is amended—

(1) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner",

(2) in paragraph (1) by striking out "his", and

(3) in paragraph (2) by striking out "his" and inserting in lieu thereof "such".

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) Section 608(a) of the Older Americans Act of 1965 (42 U.S.C. 3057g(a)) is amended—

(1) by striking out "$6,500,000" and all that follows through "1983, and", and

(2) by inserting after "1984" the following: ", $7,900,000 for fiscal year 1985, $8,300,000 for fiscal year 1986, and $8,600,000 for fiscal year 1987".

(b) Section 608 of the Older Americans Act of 1965 (42 U.S.C. 3057g) is amended by striking out subsection (c).

TITLE III—PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS FOR OLDER INDIVIDUALS

PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS

SEC. 701. The Older Americans Act of 1965 (42 U.S.C. 3001, et seq.) is amended by adding at the end a new title as follows:

"TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Older Americans Personal Health Education and Training Act'.

"FINDINGS

"SEC. 702. The Congress hereby finds that—

"(1) individuals 60 years of age or older constitute the fastest growing segment of the Nation's population;

"(2) the process of aging, as well as the changes in lifestyle which accompany it, such as retirement, the end of parenting roles, and relocation, seems to increase and exacerbate health problems faced by older individuals (such health problems include physical, mental, and emotional health problems);

"(3) many of the health problems faced by individuals 60 years of age or older, such as arteriosclerosis, arthritis, adult-onset diabetes, hypothermia, heat stress, Alzheimer's disease, circulatory problems, hypertension, diminished hearing and eyesight, reduced strength, social isolation, and bone fragility are particularly common to the older American population;

"(4) although older individuals make up only 11 percent of our population, they consume 29 percent of the total health care expenditures and 50.5 percent of Federal health care (non-military) expenditures, and as our population ages the percent of Federal health care dollars absorbed by older individuals will inevitably increase;

"(5) older individuals consume more prescription and over-the-counter drugs than any other group and are therefore more likely to be exposed to drug preparations containing two or more active drugs which negatively interact;

"(6) many of the health problems faced by older individuals and the fear of those health problems can be ameliorated and in some cases prevented if proper health education and training is available;

"(7) health education and training focused specifically on the needs of older individuals can play an important role in health promotion and illness prevention and simultaneously help reduce medical costs for both individuals and the Government;

"(8) the educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology have much to offer in the design and implementation of health education and training services for older individuals; and

"(9) the existing 3,300 multipurpose senior centers established under this Act which already serve over 9,000,000 older individuals each year, are appropriate points of contact from which health education and training can be provided, but there is currently no uniform, standardized program consistently in place across the Nation.

"PURPOSES

"SEC. 703. The purposes of this title are to provide the necessary resources, leadership, and coordination (1) to design a uniform, standardized program of health education and training for older individuals; (2) to directly involve graduate educational institutions of public health in the design of such program; (3) to directly involve the graduate educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology in the implementation of such program; (4) to implement such program in all the States in multipurpose senior centers established under this Act; and (5) to evaluate such program.

"OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SEC. 704. (a) In order to foster and promote the design and implementation of a health education and training program for individuals who are 60 years of age or older, the Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') shall establish an older individuals personal health education and training program within the Office on Aging.

"(b)(1) In order to carry out the provisions of this title, the Secretary, through the Office on Aging, shall enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, or gerontology in order to achieve the purposes of this title. No payment shall be made by the Secretary toward the cost of any such project established or administered by any such institution unless the Secretary determines that such project—

"(A) will provide for the design and implementation of a local or statewide demonstration health education and training program which is amenable to eventual replication in multipurpose senior centers, as well as other sites convenient to older individuals in all the States;

"(B) will provide for utilization of multipurpose senior centers established under section 321(b)(1) with regard to both the design and the provision of services;

"(C) will be generally applicable to the health needs of all individuals 60 years of age or older;

"(D) will provide for the development of uniform, standardized components relating to specific problems encountered by older individuals, such as diet, mental health, physical fitness, hypertension, retirement, health insurance, hypothermia, and legal advice concerning rights to live and to receive medical treatment;

"(E) will provide education in the safe and effective use of prescription and nonprescription medicines;

"(F) will address the motivation of older individuals including consideration of the elements of self-responsibility, physical fitness, stress management, nutrition, and environmental awareness; and the benefits older individuals can derive from behavioral and lifestyle modifications within their individual control;

"(G) will provide for peer contact and interaction among participating older individuals;

"(H) will provide for the training and utilization of graduate students (including the consideration of the granting of course credit to such students) and faculty in the fields of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology;

"(I) will provide for the training and utilization of older individuals participating in such projects as volunteers;

"(J) will ensure that participating older individuals are made aware of the health services available to them in their communities;

"(K) will be designed in consultation with persons specifically competent in the field of public health;

"(L) will demonstrate the ability of those who carry out such project to generate multidisciplinary working relationships with other groups in relevant fields, including the medical sciences, mental health, pharmacology, nursing, social work, education, and nutrition;

"(M) will provide for coordination with the State agency designated under section 305(a)(1) and State health officials in the State in which such project is carried out; and

"(N) will implement education and training activity in at least 10 separate sites.

"(2) The Secretary shall establish, issue, and amend such regulations as may be necessary to effectively carry out this title.

"(c)(1) The Secretary shall pay not to exceed 90 percent of the cost of any project which is the subject of a contract entered into under subsection (b).

"(2) The remaining cost of such project shall be provided from non-Federal sources, in cash or in-kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair-market value to services and facilities contributed from non-Federal sources.

"(3) In considering grant or contract applications under this title, the Secretary shall give priority to grants and contracts smaller than $150,000.

"(d) The Secretary shall prepare and submit to the Congress, not later than one year after the effective date of the Older Americans Personal Health Education and Training Act, an interim report describing the projects approved under subsection (b) and a design for the evaluation of such projects. The Secretary shall prepare and submit to the President and the Congress a final report on the projects approved under subsection (b) not later than February 1, 1987, along with such findings and recommendations as the Secretary deems appropriate.

"ADMINISTRATION

"SEC. 705. (a) In carrying out this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and to cooperate on a similar basis with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

"(b) Payments under this title may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"(c) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the United States.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 706. (a) There are authorized to be appropriated to carry out this title $8,550,000 for fiscal year 1985 and such sums as may be necessary for fiscal years 1986 and 1987.

"(b) Amounts appropriated under this section for any fiscal year shall remain available for obligation until expended.".

TITLE VIII—AMENDMENTS TO OTHER LAWS; EFFECTIVE DATES

RELATED AND CONFORMING AMENDMENTS

SEC. 801. (a) Section 14(c) of the National School Lunch Act (42 U.S.C. 1762a(c)) is amended by striking out "section 311(c)(1) of such Act (42 U.S.C. 3030(c)(1))" and inserting in lieu thereof "section 311(b)(1) of such Act (42 U.S.C. 3030(b)(1))".

(b) Section 204(b)(7) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(7)) is amended by striking out "Administration on Aging" and inserting in lieu thereof "Office of Aging".

(c) Section 501(b) of the Comprehensive Older Americans Act Amendments of 1978 (42 U.S.C. 3045 note) is amended by inserting after the first sentence the following: "Such process shall include evaluation of each bidder's experience in providing services to older individuals.".

REFERENCES IN OTHER LAWS

SEC. 802. Any reference to the Administration on Aging in any law in effect on the date of the enactment of this Act, other than a reference in an Act amended by this Act, shall be deemed to be a reference to the Office on Aging.

EFFECTIVE DATES

SEC. 803. (a) Except as provided in subsection (b) and subsection (c), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b)(1) The amendment made by section 206(a) shall take effect sixty days after the date of the enactment of this Act.

(2) The amendment made by section 206(c) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

(3) The amendment made by section 701 shall take effect on October 1, 1984.

(c) The amendment made by section 409(b) shall not apply with respect to any grant or payment made before the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. PETRI. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. PETRI] is recognized for 20 minutes.

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

Mr. Speaker, this was to be a happy day when all the legislators involved in formulating H.R. 4785 would join together for its passage through the House. Instead, we are saddened by the absence of our committee chairman, one of the principal architects of this measure and so much other human service legislation.

Chairman PERKINS cared deeply about older Americans, and had been a moving force behind the creation and expansion of programs reauthorized by H.R. 4785. I participated in a committee field hearing in the chairman's district where we met some of the people served by these programs. Often, field hearings move at a leisurely pace. Not those run by our chairman. We were up at dawn and moved around the district so fast that he literally wore me out. At every stop, it was apparent how concerned the chairman was to help his constituents, and how much they appreciated his efforts on their behalf. But Chairman PERKINS' concern was never limited to eastern Kentucky. He sought to help all Americans, especially those most vulnerable to neglect or exploitation in our society, such as the elderly, children, workers, and the poor. H.R. 4785 is just one example of his handwork—one strand in the safety net he helped weave to catch the needy.

First and foremost, H.R. 4785 reauthorizes Federal funding for the basic programs provided by the Older Americans Act. You are all familiar with these proven, popular programs. If you have even seen elderly citizens enjoying fellowship at a senior center—or shared a good, hot meal with them at these sites—or met a needy older American provided with a small income and a big purpose by a community service job—then you, too, know the value of this act. Our senior citizens have given us so much, this legislation continues our effort to provide a small measure in return.

This bill, however, does more than just reauthorize the Older Americans Act. It changes and expands that act. Most of these changes are for the best, and I want to thank the gentleman from North Carolina [Mr. ANDREWS], the chairman of our subcommittee, for his goodwill and cooperative spirit in the reauthorization process. I also wish to recognize the contributions made by the Select Committee on Aging, especially the gentleman from New York [Mr. BIAGGI], who serves with distinction on both the Select Committee and our Human Resources Subcommittee, and the gentleman from New Jersey [Mr. RINALDO], the ranking Republican on the Select Committee.

Let me briefly review some of the changes this bill makes in the current Older Americans Act. The bill raises the authorized funding for Older Americans Act programs by about 5 percent. Although we must carefully watch such increases in the face of the mounting budget deficit, clearly some increase is appropriate.

H.R. 4785 makes a variety of changes in the administration of Older Americans Act programs by enhancing the status of the agency handling these programs while restricting the discretion of program administrators.

Although some increase in the status of the agency is desirable, perhaps this bill goes too far. I was pleased that at least the subcommittee agreed to my amendment deleting a provision creating a new Assistant Secretary to oversee this program. Some concerns also remain with the new limits on agency discretion—especially restrictions against pooling resources with other agencies for creative multiagency efforts to help the elderly.

In a welcome change, the bill targets Alzheimer's Disease for special attention. This frightening illness carries the specter of senility for our elderly. Yet, there is now new hope that this disease can be effectively treated. H.R. 4785 seeks to help turn this hope into a reality.

Concerns about illegal political activity have haunted the otherwise praiseworthy seniors' Community Service Employment Program. I hope these concerns will be laid to rest through the operation of an amendment accepted by the Education and Labor Committee. This amendment requires that all persons associated with those programs be advised through posted and distributed notices precisely what political activities they may and may not do.

The legislation adds a new program of health-related education for the elderly at senior centers. After the unfortunate flap raised by the Governor of Colorado over providing health care to the elderly, I was pleased that the subcommittee adopted my amendment insuring that this program advise older Americans about their legal rights to live and to receive medical treatment. We must respect life to its very end, or we will not respect it at all.

These and other changes made by this legislation will be addressed by my colleagues. Suffice it to say, that the Older Americans Act has provided needed services to the elderly for 20 years. Is should be reauthorized.

Mr. Speaker, I yield such time as he may consume to the ranking Republican on the Committee on Education and Labor, my colleague, the gentleman from Illinois [Mr. ERLENBORN].

Mr. ERLENBORN. Mr. Speaker, I rise in opposition to H.R. 4785.

The Older Americans Act has enjoyed broad bipartisan support each time its reauthorization has been considered since 1965. This year should have been no exception. Had the committee produced a straightforward reauthorization bill or a bill adopting some of the administration's proposals for increasing the flexibility of State and area agency on aging administration of the program, I believe H.R. 4785 would have sailed through Congress. Unfortunately, however, H.R. 4785 is not a straight-forward reauthorization. For one thing, it increases the authorization levels by 23 percent over current appropriations levels.

Second, the bill modifies the existing reporting relationship between the Commissioner on Aging and the Secretary of Health and Human Services. Under H.R. 4785, a "direct reporting relationship" would be required between the Secretary and the Commissioner.

It should be clear to all in this body that cosmetic organizational changes often assume a perceived degree of importance that is far in excess of what positive effects would accrue if such changes were implemented. Proposed organizational changes often assume a life of their own.

In my judgment, this is the case with the organizational changes provided for in H.R. 4785. I, for one, believe that we in the Congress spend an inordinate amount of time in theoretically organizing and reorganizing the executive branch. It is more important that we keep firmly in mind that the Secretary of Health and Human Services is the Cabinet officer who has been, is, and will continue to be ultimately accountable to the committees and Members of this Congress, to Senior Citizen organizations, and to senior citizens themselves for the overall administration of programs authorized under the Older Americans Act.

Similarly, the act now specifies certain key functions which are the exclusive responsibilities of the Commissioner on Aging. Many of these are responsibilities which may not be delegated to other officials. Again, in the exercise of these functions, the Commissioner on Aging is ultimately responsible and accountable to a host of parties. Rather than reorganizing the administration of the act, we should be fulfilling our duty of oversight to see that the existing responsibilities of the Commissioner and Secretary are being fulfilled.

Third, the legislation establishes a new, duplicative program entitled the Older Americans Personal Health Education and Training Act. The Department stated categorically that it "has adequate authority under present law to carry out programs of health education for the elderly, and is making full use of that authority."

Health education is and should be an activity conducted by local senior centers, rather than through a new program. At a time when the number of elderly persons in our society is increasing rapidly, and demand for title III services is at an all-time high, we should not be initiating a new program.

In opposing the initiative of the gentleman from North Carolina, I would nonetheless like to compliment him for focusing on the health needs of senior citizens. I know that the gentleman has put in considerable personal effort in studying the health needs of the elderly and in developing his proposal. Even though I believe the new title VII should be not be enacted, I agree with the gentleman that more needs to be done in the field of personal health education and training under the Older Americans Act.

In closing, Mr. Speaker, I would again like to reiterate my opposition to H.R. 4785 while expressing support for the programs authorized under the Older Americans Act. It is unfortunate that the Committee on Education and Labor missed an opportunity to produce a bill which could enjoy the enthusiastic support of all Members. Because of the nature of the Older Americans Act program, such a bill would have been easy to develop. Instead, I believe that H.R. 4785 is a budget buster which does not merit our support.

I urge a "no" vote on the bill.

□ 1350

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Arkansas, JOHN PAUL HAMMERSCHMIDT.

Mr. HAMMERSCHMIDT. Mr. Speaker, I think that the most important thing that we have learned during the reauthorization of the Older Americans Act was how well it is working to assist older persons throughout this Nation. Testimony from Federal and State program administrators, representatives of national aging organizations, and other professionals in the field of aging converged on one theme—that the Older Americans Act is working well and achieving the goals that Congress had envisioned with its passage in 1965.

I would like to commend the chairman of the Human Resources Subcommittee, Mr. ANDREWS, and the ranking minority member, Mr. PETRI, for the direction they have provided in this 3-year extension of the act. They have analyzed the act conscientiously and have sought amendments which correct and improve current law. I know how much they will miss the leadership of their late distinguished chairman, Mr. CARL PERKINS. We in the Congress, as well as citizens of Kentucky and the entire Nation, will also miss his dedication and concern for our older Americans.

I believe that the increased authorization levels are reasonable when we consider that the elderly population is increasing by about a half million persons every year and that the latest statistics we have—1982—point out that one out of seven or 3.7 million older people live in poverty.

I think that the nutrition program provides an excellent example of how well the Older Americans Act is operating. In 1982 the nutrition program reached a milestone when it served its billionth meal. Last year 203 million

meals were served; 145 million congregate meals and 58 million home-delivered meals. What is significant beyond these numbers is that the meals are reaching those older people who need them the most. A study of the nutrition program found that the typical participant is a widow in her midseventies who lives alone and has a low income. The importance of the meals program in making ends meet was reflected in the study as 83 percent reported that the program saved them from a little to a lot of money.

I would like to take a few more minutes, Mr. Speaker, to discuss an amendment in the H.R. 4785 that I feel is of particular importance. I am sorry to say that it is not in the Senate bill. This amendment prohibits the administration on Aging from combining title IV discretionary funds with funds appropriated under other acts if the purpose is to make a single discretionary grant. I know that there has been strong dissatisfaction by some members of the Select Committee on Aging and the Senate Labor and Human Resources' Subcommittee on Aging because funding has not been provided for the specific projects outlined in section 422, Older Americans Act amendments of 1981. In fact former Commissioner, Dr. Arthur Flemming, in his testimony before the Senate Aging Committee said, referring specifically to section 422b mental health services, "Despite the intentions of Congress in enacting these provisions, the administration to date has not issued a grant announcement which incorporates the range of issues comprised in the 1981 amendments." If the Administration on Aging funds were not tied up in the Office of Human Development Services [OHDS] projects, I'm sure that the Administration on Aging would have the funds to follow Congress' recommendations. It is my sincere hope that this provision of H.R. 4785 is retained when the House and Senate work out their differences in conference.

Mr. ANDREWS of North Carolina. Mr. Speaker, I would just like to join the others who have thanked the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Illinois [Mr. ERLENBORN] and just says that ours is one subcommittee that I truly believe is as bipartisan as can possibly be accomplished. We deal with programs like Head Start for young people all the way through to other juvenile justice programs to the Older American Act, and with their cooperation and help we do so I think totally with a view in mind to assist those who are in fact to be the targets of those programs rather than with each other or either political party, for that matter.

I very much appreciate as well the very fine staff headed by our friend, Gordon Raley.

● Mr. BIAGGI. Mr. Speaker, next year, we will observe the 20th anniversary of the passage of the Older Americans Act (Public Law 89-73). Today we have before us H.R. 4785, which represents the 11th time Congress has reauthorized the programs and services provided under this act. I am proud to be an original cosponsor of this bill as I have been of the previous seven, and I offer this bill my enthusiastic support and urge its adoption.

We obviously conduct our deliberations today—especially on this legislation—in profound sadness over the sudden death this past Friday of our distinguished chairman of the House Education and Labor Committee, CARL PERKINS. CARL PERKINS had a unique and special commitment to the Older Americans Act, and he played pivotal roles in the improvements made to the act during the 17 years he served as chairman. He saw to it that a national program of nutrition services for the elderly was established as part of the act including services for the homebound elderly. He helped provide part-time employment opportunities for thousands of low-income elderly through the establishment of the title V employment program. H.R. 4785 has many contributions from CARL PERKINS as part of it. We do perform no higher tribute to this great man than to pass this bill and allow it to become law. Much will be said about CARL PERKINS, but I wish to acknowledge a great man whose greatness lay in his wisdom, his compassion and his total dedication to public service.

H.R. 4785 was developed under the premise that the Older Americans Act is a Federal program that is working and that is a visible success story throughout our Nation. As a result we approached reauthorization with the prevailing sentiment that the most we needed to do was fine tune the act. This allows for changes to be made to improve and expand the act without radically altering its structure or purpose. This we have done and did it in a constructive and bipartisan fashion.

The most important element of the reauthorization is that we have extended all programs under the act for 3 additional years as a categorical program. This is how the act was first constructed and through its developing years remained. It seemed to be unnecessary if not counterproductive to change the structure of the act and thus it remains as a categorical program for the next 3 years.

I was proud to have made a number of specific contributions to this legislation body in terms of working with the subcommittee chairman, Mr. ANDREWS, in its development and subsequently through the adoption of several amendments when the bill came before the full House Education and Labor Committee. I worked closely to develop revisions in title IV providing funds for research, training and demonstration programs. I sought to have a stronger accountability feature put in this portion of the act and we have done so largely by allowing statements of purpose to precede each section of title IV. I worked with the chairman to renew a commitment from earlier reauthorization to elevate in status the Administration on Aging—the Federal entity charged with administering this important program. H.R. 4785 would raise this office to an Office on Aging and the Commissioner on Aging would under the bill report directly to the Secretary of HHS as compared to the Office of the Secretary. This modest change is needed to bring some degree of autonomy into the administering of the Older Americans Act and to reverse years of erosion of the responsibilities of the Commissioner and the existing Administration on Aging.

I was especially proud to have successfully authored six amendments to the bill when it came before the full Education and Labor Committee. The most significant of these would increase the authorizations of funds under title III-B of the act which provides funds for supportive services and senior centers. This amendment was identical to legislation authored by my friend and colleague, OLYMPIA SNOWE, from Maine. It was a recognition of the fact that title III-B has not received an increase in appropriations since 1980. This might change if the Senate agrees to the amendment I authored last week to H.R. 6040, the second supplemental appropriations for fiscal year 1984 which added $15 million in funds for the Older Americans Act, including $10 million for title III-B.

Title III-B is the glue which holds the rest of the Older Americans Act together. It provides funds for a host of vital services as well as important funds for the entities which administer the Older Americans Act Programs at the local level—the network of area agencies on aging.

Title III-B provides funds for the following important services: Transportation, adult day care, community-based care, in-home care such as personal care—shopping, housekeeping and chore services, escort, legal, telephone reassurance, client counseling, case management, assessment and repairs and maintenance programs. Each of these services separately, or in the aggregate, helps to achieve the goal of providing a coordinate degree of services aimed at promoting independence and dignity for senior citizens.

The fiscal pressures on title III-B have grown enormously as a result of the 4-year freeze in their funding level. Consider the most important service it provides—transportation. Transportation costs alone have increased by over 15 percent in the time

that III-B has not had an increase. These transportation services include those which take seniors to and from nutrition programs—or which help to deliver the home-delivered meal. Congress has seen fit to provide increases in funds for the nutrition program under the act in recent years but unless we begin to address ourselves to the needs of title III-B since it is so closely linked to the nutrition program, we will be creating a problem for the future.

Congress did in fact provide a mechanism under an amendment I authored to the 1981 Older Americans Act amendments, to allow for a transfer of up to 20 percent of funds between titles III B and C. However, I viewed that as a short-term solution and one that should not serve as an excuse to deny additional funding for title III-B.

As an original member of the House Select Committee on Aging I have been working closely with my colleague from Maine, Ms. SNOWE, on a new and potentially serious problem which impacts directly on title III-B. The implementation of the so-called prospective reimbursement program or DRG's has begun to result in an increase in the number of elderly patients being discharged earlier from hospitals. These elderly in a number of instances are being referred to area agencies on aging who are now being called upon to provide community-based care out of their existing—and frozen title III-B allotment. Testimony received before both the House Select and Senate Special Committees on Aging documents this point. Ms. SNOWE's interest stems from the particular problems affecting area agencies in the State of Maine. All told there has been a dramatic 38-percent increase in the number of such referrals in States including Maine, Massachusetts, Nebraska, Tennessee, Arkansas, and Michigan just in the first 3 months of full implementation of DRG's. These numbers will most certainly grow as the system does.

This latest crisis on the shoulders of title III-B helped to provide the justification for an amendment I successfully authored to H.R. 4785 while it was in the Education and Labor Committee. This amendment provides for a major increase in the authorizations under title III-B for the 3 years that H.R. 4785 reauthorizes the Older Americans Act for it was based on legislation authored by Ms. SNOWE, H.R. 5265. I was able to gain passage of this amendment on the strength of trying to remedy the demands placed on III-B since 1980 and to cope with new demands caused by the DRG phenomenon. My colleague Ms. SNOWE, who serves as the ranking minority member of my Subcommittee on Human Services, deserves great credit for bringing this important matter to the attention of the House and passage of my amendment today will demonstrate our concern and desire to cope with this issue.

I wish to address myself to some of the other amendments which I authored. One would ensure and expand language already contained in the bill providing new attention under both titles III and IV of the bill to the development of services to aid victims of Alzheimer's disease and other related neurological disorders. This, too, was the outgrowth of work done by the House Select Committee on Aging and in particular the distinguished gentlewoman from Maine, Ms. SNOWE, who has spearheaded renewed congressional interest in the tragic plight facing not only those victimized by Alzheimer's but also the families of these victims.

Another amendment I sponsored would give additional recognition to the importance of nutrition programs in this Nation. Previous law referred to nutrition programs as "nutrition sites," giving a much narrower perception of what was actually being provided in terms of services. The elevation to the term "nutrition program" should give increased visibility and appreciation for the thousands of programs across the Nation providing nutrition and related services to millions of needy senior citizens. Other language contained in the original H.R. 4785 would help to combat a problem which was developing as a result of changes made during the 1981 Older Americans Act. Under the change, the so-called "grandfather" clause relative to the awarding of nutrition contracts was replaced by a requirement that all contracts for nutrition services be awarded under a competitive process. While the 1981 revisions attempted to give a preference to existing providers—in too many areas of this Nation it did not do this in fact. Just the reverse was occurring and a number of programs—some with vast experience—were being defunded because they were "outbid" by another without regard to the quality or range of services they might provide. In an effort to combat these limited abuses, the committee bill did give an extra preference to a particular provider's previous experience in nutrition services.

In brief, two other amendments I authored would require a higher standard of public accountability before a local area agency on aging could get a waiver allowing them to forego providing any of the three priority services under title III-B, namely in-home, legal or transportation services. Under my amendment the area agency on aging was required to conduct a public hearing before being able to ask for a waiver to give all those who could be affected an opportunity to present their views.

Finally, I sponsored an amendment which would exempt from the so-called "transition requirements" under title V those senior citizens who were employed helping other senior citizens in title III-run programs. This was based on experiences across this Nation where workers employed in nutrition programs or senior centers were forced to leave their positions so their sponsor could comply with Department of Labor requirements that at least 15 percent of employees be transitioned into unsubsidized employment. These employees in my mind are performing an especially important service which should not be interrupted.

H.R. 4785 makes a host of other important changes in the current act which in the aggregate greatly enhance the programs. One notable provision would require the Administration on Aging to promulgate regulations within 120 days of enactment of the 1984 amendments. This compared to the present comical state of affairs where the regulations to implement the 1981 amendments have yet to be published in final form and will not be.

I support the language included in this bill aimed at more specifically recognizing and encouraging area agencies on aging to play a more centralized role in coordinating existing and newly established community-based long-term care services. It is spelled out rather clearly in the declaration of objectives provision of the bill as well as later in the bill in the section discussing the development of plans by the area agency on aging. Today there are more area agencies on aging than there are congressional districts. They are the centerpiece of the Older Americans Act's commitment to allowing decisionmaking to be done at the local level. The intent of H.R. 4785 is to ensure that the work of area agencies on aging be featured around coordination of an entire range of community-based services, all of which are designed to promote greater independence and dignity to senior citizens.

H.R. 4785 would also greatly improve and encourage the development of health education and training programs specifically to meet the needs of older individuals through a new title VII. It would empower the existing network or resources contained in the more than 3,300 senior centers as well as faculty and students in schools of public health as well as those in social work and gerontology to develop and implement a uniform and standardized program of health, education, and training for older individuals. This provision was the idea of our subcommittee chairman, Mr. ANDREWS, and represents an important new addition to the Older Americans Act.

As mentioned earlier, I am proud to have been so closely affiliated with the changes and improvements made to title IV of the bill.

I am particularly proud to note that title IV of the bill before the House contains the recommendations of the informal task force which my Subcommittee on Human Services convened last September 1983 to specifically examine issues related to title IV.

Funding for this title has decreased dramatically over the past 3 years, from a high of $54.3 million in fiscal year 1980 to $22.175 million for fiscal year 1983 and fiscal year 1984. The President's annual budget requests to Congress for the past 3 years have proposed a 77-percent decrease from current funding to $5 million. While we were successful in averting this cut, a renewed interest in title IV programs assessed the impact of these funding reductions upon aging services and programs.

The intent of the title IV task force was to bring in individuals and organizations from the field, both practitioners and academics, to discuss policy matters related to the reauthorization of title IV.

The goal of the revision included in H.R. 4785 was threefold: First, to make title IV more directly related to the rest of the programs under the act; second, to make title IV more visible by adding a "statement of purpose"; and third, to make title IV more accountable through the upgrading of standards for funding programs and projects and to require publication and dissemination of annual reports to Congress and the aging network, including State and area agencies on aging.

In addition to the clarifying "purpose" section, we have added language which will identify Alzheimer's disease as an important concern in research and training projects. This language was a result of recommendations made by the ranking Republican member of the Human Services Subcommittee, Ms. SNOWE, as a result of extensive oversight and legislative activities that she has initiated in this important area of concern to the elderly.

We have also expanded and clarified provisions related to legal services demonstration projects, to assure that national support will continue to be provided to local legal service providers supported through area agencies on aging. This national support network is critical if we are to assure that local providers will have access to information which will assist them in providing services to seniors.

We will continue to support the multidisciplinary centers of gerontology, as well as long-term care centers, but at the same time want to assure that their research findings will continue to be relevant to other programs and services under the Act as well as be of use to State and area agency personnel. As such, H.R. 4785 seeks to encourage consultation by these centers with aging network personnel on a regular basis.

In order to assure visibility and accountability, we have prevented the commingling to title IV funds with other programs under the Office of Human Development Services. While these "coordinated discretionary grants" projects may have been a worthwhile effort, the fact is that we cannot account for aging dollars on any effective or efficient fashion. As such, the prohibition will give us improved accountability.

I believe that title IV will continue to provide important education, training, and research opportunities for aging programs under this bill. More importantly, I believe that we have succeeded in assuring that its function and purpose will be elevated in order to highlight its importance to not only the elderly of this Nation, but also to the cadre of trained professionals who provide services to them.

It is important that we complete action on this legislation today. The Senate has already passed its version of this bill, S. 2603. While I would have preferred to see this legislation come before the House under an open rule, an amendment I was prepared to offer to increase funds for home delivered meals would have been in order. However, for the sake of ensuring we achieve reauthorization before September 30, I support the bill being brought up under suspension of the rules.

As we examine this legislation in its entirety, we see that it is the product of several years of work not only on the part of the House Education and Labor Committee but another committee I am proud to serve on—the House Select Committee on Aging. This committee and in particular the Subcommittee on Human Services which I chair has done extensive oversight work on behalf of the Older Americans Act. This included a number of hearings from which recommendations did come that became part of the bill before us. Let me again pay tribute to my ranking minority member, Ms. SNOWE, for her work but also pay tribute to my colleague, Mr. RINALDO, ranking monority member of the full committee, whose interest in the Older Americans Act is substantial. Also the contributions of my colleagues: Mr. DERRICK, Ms. BYRON, Mr. BILIRAKIS, Mr. ALBOSTA, and Mr. SHUMWAY, all of whom held hearings specifically on the Older Americans Act in their districts. Finally I wish to pay tribute to the most distinguished chairman of the full Committee on Aging, Mr. ROYBAL, who has been a true and longtime friend of the Older Americans Act and has manifested this through his important service on the Labor-HHS Subcommittee of the House Appropriations Committee.

Again I implore my colleagues to pass this important bill. It is a coordinated and comprehensive effort to ensure that the Older Americans Act remains the central Federal program serving the elderly of this Nation. It is also a most remarkable example of bipartisanship and on the note, I wish to salute the outstanding work of the ranking minority member of the Human Resources Subcommittee, Mr. PETRI, as well as the ranking minority member of the full committee, Mr. ERLENBORN of Illinois.

H.R. 4785 will ensure that the success story which has accomplanied the Older Americans Act over its almost 20 years will continue and expand over the next 3 years. This legislation was carefully developed with the full and active consultation and participation by all major national aging organizations as well as others on the State and local level. I wish to especially salute those organizations who represent the very core of the "aging network", namely the National Association of State Units on Aging, the National Association of Area Agencies on Aging, the National Association of Nutrition & Aging Service Program, and the National Association on Meals programs. They have all made important contributions not only to this bill but to the successful operation of the act.

Mr. Speaker, I urge passage of this bill for the good of the senior citizens of this Nation and as an appropriate tribute to our departed friend and colleague, CARL PERKINS.●

● Ms. SNOWE. Mr. Speaker, today we will take another important step in the adoption of legislation to reauthorize the programs under the Older Americans Act [OAA]. I urge the support of my colleagues for this measure, H.R. 4785, not only because the OAA provides the most important and visible social service programs benefiting persons over 60, but because this reauthorization bill contains two significant provisions which I introduced as separate legislation earlier this year.

The passage of the Older Americans Act in 1965 signified the emergence of aging as a major national policy area and served to stimulate increased public interest and responsiveness to the needs of older Americans. In the 18 years since its enactment, AOA programs have succeeded in creating a comprehensive system for providing needed services in the community to help older persons remain self-sufficient and independent.

The act is the only legislative attempt specifically designed to meet the social service needs of older people. It has grown from a few small service grants and research projects to a complex system of community serv-

ices administered by 57 State and territorial units on aging and over 660 locally based area agencies on aging. Appropriations have increased from $6.5 million in fiscal year 1966 to more than $1 billion in fiscal year 1984.

In addition to funding basic and nutritional programs, the act created a network to provide the Nation's senior citizens with transportation, home care, and employment services. Approximately 10 million Americans are now participants—either as recipients or as service providers.

I am sure others will describe more eloquently than I the various titles of the act, but I do want to say a few words about two important additions to the fiscal year 1984 authorization measure before us today.

Last November, I introduced a bill, H.R. 4272, which requires the Commissioners on Aging to give a priority to education grant proposals for students who indicate they will study the custodial or skilled care of victims of Alzheimer and related disorders. Under the training authority of the act (title IV), the Commissioner on Aging may award grants or enter into contracts for studies related to the recruitment of personnel and in-service training. By giving a priority to those students who will study the care of those who suffer from Alzheimer's disease, we in Congress indicate our own understanding of the pain and toll such a neurological illness takes on its victims and their families and the necessity for trained service providers.

As I mentioned in this setting before, Alzheimer's disease presently claims between 3 and 4 million older Americans, and much has been discovered about the illness since the Older Americans Act was originated. It is the fourth leading cause of death after heart attacks, cancer, and strokes, and it will claim 1 of 6 of us in our later years. Inasmuch as the illness runs a cruel course from 3 to 15 years, millions of families are caught in a terrible bind. As the disease progresses, victims often need to be committed to nursing homes, but many such facilities cannot take them in, usually citing the lack of trained personnel. Most veterans' hospitals will not accept Alzheimer patients, referring again to the lack of trained staff.

Since this provision has been included as well in the Senate version of the reauthorization bill which has already passed, there will soon be a pool of trained personnel who will be available to work in nursing homes, veterans' hospitals, adult day care centers, and home health agencies. With the passage of this provision, there is finally some hope for families caring for Alzheimer victims—both in their homes and later in institutions as the disease progresses.

Another component of the House and Senate bills is the requirement that State area agencies on aging provide education and demonstration projects to meet the supportive services needs of elderly victims of Alzheimer's disease—and other neurological diseases and organic brain disorders, and their families, including respite and other community-based care services. This provision simply reinforces the key role of State area agencies in our communities in providing many services to care-giving families.

I am also pleased the House Education and Labor Committee saw fit to include the provisions of a second bill I introduced on March 27, H.R. 5265. This legislation increased authorization levels for title III-B supportive services and senior centers.

Title III-B provides critical community-based programs which include transportation, in-home, and adult day care for senior Americans. These programs are designed to enable older citizens to remain in their homes as long as possible as an alternative to institutionalized care. Despite an increased demand for such services, there have been no funding increases authorized by Congress since 1980. As a result, more and more title III-C funds have been diverted to III-B programs, causing a serious erosion in the Congregate Meals Program.

These arguments in and of themselves would be reason enough to increase title III-B funds, but there is an additional justification for more authorizations at this time. State area agencies on aging have noted an important trend that we in Congress should seriously consider when planning funding levels for the next 3 years.

State area agency directors point to the recently implemented diagnostic related groups [DRG's] reimbursement rate system for a recent surge in service demands. Hospital referrals have increased, and in many cases we are told that those discharged are in much worse shape than in the past. Direct referrals from hospitals to area agencies on aging care management systems in my own State of Maine have increased by 38 percent over the past few months. Waiting lists have been formed when none existed before. Skilled nursing facilities are also fully utilized; home health agencies and homemaker services are in more demand. I have been informed that this same trend has been noted in Indiana, Massachusetts, Michigan, Oregon, Nebraska, Tennessee, Texas, Utah, and Arkansas. Other States are experiencing a similar trend but are unable as yet to determine the exact cause.

On May 19, the National Journal noted that medicare patients are spending less time in hospitals than they did before the DRG system. The Health Care Financing Administration [HCFA] reports that hospital stays averaged 7.2 days from October through March as compared to 9.1 days for Medicare patients served by hospitals that have not yet been brought under the system.

It appears that hospitals are attempting to keep well within the reimbursement rates, and to do so, patients are often turned out earlier than ever before. In such cases Medicare and Medicaid generally will not provide home health care and the burden has fallen on title III-B programs. Congress may have unwittingly set a new trend when changing the Medicare Program last year. Allocating a small percentage of the savings we realize from having implemented the Medicare DRG Program and strengthening our OAA title III-B programs for older persons is money well spent.

Mr. Speaker, seniors have contributed much to our society during their lifetimes. The legislation that we pass today will continue to shape valuable services designed to assist them to remain in their own homes for as long as possible; the services are geared to nurturing their sense of dignity and insuring options for independence within the community. I am pleased to have played a role in expanding these services under the act to include consideration for Alzheimer victims and their families and to increase funding for title III-B programs. For these reasons, I urge my colleagues' favorable vote today.●

● Mr. ROYBAL. Mr. Speaker, I rise in support of H.R. 4785, the Older Americans Act Amendments of 1984. Before we consider this legislation, I would like to first express my deep sorrow over the loss of Chairman PERKINS. The Education and Labor Committee, which he chaired so ably, has done an excellent job in crafting this reauthorization. We, and the seniors of this Nation, have lost a most compassionate and sensitive legislator. He was a diligent advocate on behalf of the elderly, and his absence will be felt for many years to come. We are fortunate, however, that we have before us today, a piece of legislation that he has helped to create. The positive direction that this reauthorization takes is due, in part, to his guidance and for that we should all be grateful.

As chairman of the Select Committee on Aging, I cannot stress enough just how important this legislation is to millions of older Americans. The Older Americans Act sets out a declaration of objectives aimed at improving the lives of older Americans in the areas of income, health, housing, employment and retirement. Since its inception in 1965, this legislation has been, and continues to be, the primary vehicle for social service delivery to all older Americans.

Included in this reauthorization are many important provisions. While it

retains the act as a categorical program through 1987 at funding levels which represent at least a 5- to 7-percent increase over current levels, it has some meaningful and strengthening provisions as well. I highlight the following examples.

This reauthorization will:

Establish an Office on Aging in the Office of the Secretary—whereby the Commissioner on Aging would be directly responsible to the Secretary rather than the Office of the Secretary;

Amend current law by requiring that "particular attention be given to (the needs of) low-income minority individuals." And, require area agencies to include minority older individuals on their advisory council;

Identify Alzheimer's disease as an important concern in research and training projects;

Decrease the required number of elder Indians from 75 to 60 in order for them to constitute a serviceable tribe under title VI: and

Create a new title VII, to develop health, education, and training programs for seniors.

In H.R. 5325, the administration's proposed reauthorization of the Older Americans Act, President Reagan shamefully attempted to reduce authorization for these programs by approximately 20.5 percent—a decrease in actual dollars equivalent to almost $860,849,000 (million). He attempted to decrease funding for title IV—research and training—by almost 77 percent, and proposed no extension of authorizations for title V—the only Federal senior employment program. I am very proud that this body, and very grateful that the other body, did not allow Reagan to once again place the burden of Federal budget cuts on the elderly.

I would like to take this opportunity to commend the members of the Human Resources Subcommittee, specifically my colleagues Representatives CORRADA, WILLIAMS, and OWENS, along with their chairman, the Honorable IKE ANDREWS, and distinguished full committee chairman, the late Mr. PERKINS, for their diligent efforts on behalf of the seniors of this Nation.

In conclusion, let me say that the Older Americans Act is a landmark piece of legislation. It is the lifeblood to millions of older Americans throughout this Nation. And I am certain that all my colleagues will join me in support of its immediate passage.●

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 4785, the Older Americans Act Amendments of 1984. This piece of legislation provides the cornerstone of Federal assistance toward the elderly in all areas, income, health, housing, employment, retirement, and community services. It has proven itself to be a comprehensive and well-run package of programs providing essential service to older Americans.

Programs which affect the senior adults of this Nation are among the most important social programs considered by Congress. I am told that each day some 5,000 Americans celebrate their 64th birthday and that literally 1 out of 9 Americans is an older American.

We know that older Americans face many problems, for many of our senior adults have worked hard and contributed during their early adulthood and are now driven to a low-income status when inflation erases fixed incomes set by retirement and Social Security. While every ninth American is over 65 years, every seventh American over 65 years is poor. This problem is particularly acute among women and minorities, as one out of every four Americans of Spanish origin is of low income, as are about one-third of all black older Americans.

In Puerto Rico, for example, the elderly community comprises more than 11 percent of our populace of 3.2 million. Of the island's 255,000 persons over age 65, fully 70.8 percent live under the poverty level. Few receive more than the minimum Social Security payments, and many are ineligible for even that. SSI is not at their disposal, and Medicaid funds have long been restricted for Puerto Rico at a level much inferior to the needs of eligible beneficiaries. Health and housing costs in Puerto Rico are just as high as the mainland, and inflation is felt just as sharply there as anywhere in the United States.

In effect, the elderly in Puerto Rico suffer not only from the most devastating of hardships, but receive support from their Government at a lower real level than other Americans. This situation is compounded by the fact that high illiteracy and poor health are rampant among our aged, making entry into the labor market near to impossible.

Puerto Rico is indeed a microcosm of the mainland, reflecting surprisingly accurately the status of older Americans around the country. Knowing that these difficulties confront persons in every State rather than being limited to elderly in my district, I join with the efforts of my good friend the gentleman from North Carolina in strongly supporting the amendments which make up H.R. 4785.

Living comfortably, even surviving, in this inflation-wracked world is extremely difficult for senior citizens, most of whom live on fixed incomes. Of course, it is even worse for those seniors whose income is below the poverty line.

As a result, the programs under the Older Americans Act are absolutely crucial to the Nation's elderly because they help save lives and money, and they enable senior citizens to continue to be active, productive members of society.

Mr. Speaker, H.R. 4785 also extends authority for title V, the Older American Community Service Employment Act. Through this valuable program, low-income senior citizens have an opportunity to make a contribution to their community and improve the conditions surrounding their peers.

Nearly 54,000 older persons are employed through the Title V Program, which is currently funded at $317.3 million. The fact is that for every dollar spent under title V, $1.15 is saved by the Government. Not only are these low-income elderly kept on the public assistance rolls, but through their employment they contribute to Federal tax revenues.

Giving these older Americans the opportunity for work not only puts their experience to good use but makes it possible for State and local governments to use their human capital to provide services at an expanded level. The average participant—a low-income female over 65 with less than a high school education—would have little chance of finding employment in the private sector. Without the Title V Program these people would be forced to subsist on welfare payments, kept against their will out of the productive sector of our economy.

Mr. Speaker, H.R. 4785 represents a fine tuning to an already effective program, and I want to commend Chairman IKE ANDREWS for his work on this legislation. I urge my colleagues to join me in support of this program.●

● Mr. RATCHFORD. Mr. Speaker, this Nation owes an immeasurable debt to older Americans. We are a great and successful people because of their hard work and countless sacrifices. Our debt to them cannot be toted up in dollars and must not be ignored or minimized. Since the time of Franklin Roosevelt, the Federal Government has increasingly recognized the full extent of our society's obligations and acted to meet them. Through Social Security and Medicare we began to ensure that Americans who helped build this Nation are not left in poverty or illness in their old age. One of the major programs for our Nation's seniors is the Older Americans Act, created in 1965. This act was a response to the social service needs of seniors and is the principal vehicle for the delivery of such services. The act's programs are designed to improve the lives of seniors in the areas of income, health, housing, employment, retirement, and community services.

The funds spent under the Older Americans Act go to support many specific projects. Perhaps the most visible are the nutrition programs such as Meals-on-Wheels. Also supported are the Federal Council on

Aging, Senior Centers, and the Community Service Employment Program, one of the most effective and efficient of all Federal programs. Under the act, grants are made, directly and indirectly, by the Administration on Aging to hundreds of State and local agencies on aging. These agencies delivered services to over 9 million Americans in fiscal year 1983 ranging from legal services to congregate meals. The Older Americans Program has developed from a small Federal activity in 1966 to one that is currently financing 203 million meals per year, provides funds to 83 Indian organizations, and supports 62,500 jobs such as conservation worker and day-care aide.

The bill we are concerned with today, H.R. 4785, would reauthorize the Older Americans Act for 3 years. It contemplates a deserved increase in funding of 5 percent over current levels. Total authorized funding for fiscal year 1985 is $1.34 billion and more in subsequent years. Under the bill an Office of Aging would be set up with a Commissioner on Aging who will report directly to the Secretary of Health and Human Services. In another important step, the legislation identifies Alzheimer's disease and related neurological disorders as key areas for research and education. The bill also creates a new title VII to develop education and training programs for older Americans and authorizes $8.5 million for it in fiscal year 1985.

Mr. Speaker, as a former Connecticut State commissioner on aging and now as a member of the Select Committee on Aging I know how important the Older Americans Act is to seniors. It provides them with critically needed social services, services which, because of the contribution they have made to this Nation, they fully deserve to receive. In my view, the adoption of this bill is one more part of what we in Congress can do to meet our obligations to older Americans. I urge the passage of this bill. Thank you.●

● Mr. STARK. Mr. Speaker, I rise in strong and enthusiastic support for H.R. 4785, the Older Americans Act Amendments of 1984. And I would like to commend the chairman for his efforts on behalf of the more than 9 million senior citizens who directly benefited from this act last year.

Since 1965, the Older Americans Act has been the major vehicle for the organization and delivery of services tailored to meet the special needs of Americans 60 years and older. Knowing of the tremendous need in my district for the many services provided under this act, I am particularly pleased to see increased funding for transportation for the elderly, outreach programs, in-home services including home-delivered meals, and legal services. Nutrition services provided under this act have played an important part in keeping our senior citizens from going hungry, with approximately 3.4 million older persons served 203 million meals last year. I am very happy to see that the act contains increased funding for this vitally important program.

So too I am glad to see that the definition of support services has been expanded to include counseling with regard to health and life insurance coverage. With Medicare now covering only about 46 percent of older Americans' health care bills, it has become critically important to supplement medicare coverage. Having heard that too many older individuals have become victimized by aggressive or false advertising or sold overlapping and duplicative health insurance policies, it is a testament to the committee to see that it has recognized a need and provided a service under the act to help alleviate the problem.

I would also like to commend the chairman for creating a new title VII designed to encourage the development of health education and training programs specifically to meet the needs of older Americans. With the older segment of the population growing both in numbers and percentages, it is important to consider the health problems common to older persons and work to avoid or ameliorate them through positive health promotion and illness prevention. Title VII grants would be provided to graduate schools of public health, medical sciences, and the like to develop model programs using the existing network of senior centers as classrooms and the older people using those centers as students.

Last, California, with the largest population of Indians in the country, will welcome the increased grants to Indian tribes and appreciate the greater flexibility in the administration of the grant program.

Mr. Chairman, the Alameda County Department on Aging has done a first-rate job in carrying out the mandated services provided for under the Older Americans Act. I am very happy to be voting for this legislation and hope that my colleagues will join me demonstrating strong support for our senior citizens. They deserve our support.●

● Mr. BIAGGI. Mr. Speaker, later today, we will vote on final passage of H.R. 4785, the Older Americans Act Amendments of 1984. As an original cosponsor of this bill I urge its passage. It is a coordinated and comprehensive effort which will ensure that the Older Americans Act remain the central Federal program providing social and human services exclusively for the elderly.

H.R. 4785 extends and expands the programs and services under the act for an additional 3 years—as a categorical program. I was proud to offer six amendments to the bill during consideration by the House Education and Labor Committee. The most important of these increased authorizations for title III-B providing supportive services such as transportation. In addition I helped to develop language which identifies Alzheimer's disease and other related neurological disorders as an important concern in research and training under title IV.

Next year we will observe the 20th anniversary of the passage of the Older Americans Act. During this time, we have seen the programs and services provided by the act become a national success story. Passage of 4785 means the story can be continued and expanded to millions more senior citizens over the next 3 years.●

● Mr. CONTE. Mr. Speaker, I rise in support of H.R. 4785, legislation which would reauthorize the Older Americans Act, and make certain amendments to operation of the program.

Before doing so, however, I would like to take a moment to express my profound sorrow over the loss of Chairman CARL PERKINS, whose committee reported this legislation to the floor today. Carl was a distinguished voice for the elderly, and, as the distinguished majority leader said earlier today, "the shadow he cast continues to linger upon this land."

Mr. Speaker, this legislation most importantly reauthorizes funding for the basic programs under the Older Americans Act. My colleagues know that my favorite program here is title V—senior services employment. Several weeks ago, I spoke to a distinguished group of senior citizens in my district, and told them that they were not the only beneficiaries of title V. I told them that we all were—because we all benefited from their experience; that they had given us all so much, and this legislation continues our effort to provide a small measure in return.

The bill also establishes an Office on Aging in the Department of Health and Human Services, responsible directly to the Secretary of HHS. It amends current law to require that particular attention be given to the needs of low-income, minority individuals. It creates a new title VII of the Older Americans Act to require development of health, education, and training programs for senior citizens. Finally, it recognizes Alzheimer's disease as an important concern in research and training projects.

Mr. Speaker, I began my remarks in a tribute to our late colleague, the chairman of the committee who gave us this bill. We are all saddened by CARL PERKINS' death. But we can do our best to ensure that the cares for which he worked and lived become our own.

I urge my colleagues to support this legislation.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 4785, Older Americans Act Amendments of 1984. This legislation extends the older Americans programs through fiscal year 1987, creates a new Older Americans Personal Health Education and Training Program, and makes a number of technical changes in the administration of the older Americans programs. For the eight existing programs, H.R. 4785 authorizes a total of $1.33 billion in fiscal year 1985, $1.40 billion in fiscal year 1986, and $1.46 billion in fiscal year 1987. In addition, the bill authorizes $8.55 million in fiscal year 1985, and such sums as may be necessary in fiscal year 1986 and fiscal year 1987 for the new Health Education and Training Program.

The new Health Education and Training Program would provide grants to universities to develop and implement health education programs for the elderly. H.R. 4785 requires that these projects utilize existing senior citizen centers in the design and implementation of these health education projects and that Department of Health and Human Services give priority to grants of less than $150,000. The bill also provides the following:

First, establishes an office on aging, headed by a commissioner on aging, who is to report directly to the HHS Secretary;

Second, requires consultation by the Office on Aging with minority organizations;

Third, prohibits combining Older Americans Act funds with other funds in a combined discretionary grant;

Fourth, permits States to transfer up to 25 percent of their funds between support services and nutrition services; and

Fifth, identifies Alzheimer's disease as a special focus of concern in funding training and research demonstration projects.

Mr. Speaker, the average age of our Nation's population increases annually, and thus the number of senior citizens has been dramatically increasing. The Federal Government must take the responsibility for developing an atmosphere and a policy for programs in support of older Americans. Mr. Speaker, I strongly urge my colleagues to suspend the rules and pass H.R. 4785, the Older Americans Act Amendments of 1984.●

● Mr. DASCHLE. Mr. Speaker, there aren't many Federal programs which at modest cost provide such diverse and meaningful benefits to our elderly citizens as those under the Older Americans Act. Since its inception in 1965 this act has become the focal point of Federal efforts to enrich the lives of millions of older Americans. Without question, significant improvements have occurred in the areas of income, health, housing, employment, retirement and community services.

As my colleagues are aware, this legislation (H.R. 4785) reauthorizes programs under the Older Americans Act for 3 additional years. This will enable the progress made in meeting the needs of our seniors to continue. Of special importance in my home State of South Dakota are home-delivered meals for the homebound, Green Thumb employment opportunities, nutrition services, and funding for multipurpose senior centers. All of these programs and services have immensely improved the quality of life for senior citizens in South Dakota.

I am also pleased that special emphasis is given to training and research demonstration projects for the care and treatment of those afflicted with Alzheimer's disease. We know little about this insidious disease which affects thousands of elderly Americans each year. Any extra emphasis we might give toward finding a cure warrants our attention and support.

All things considered, the "Older Americans Act of 1984" is a worthy and important step in maintaining those programs and services established under the Older Americans Act for the support and care of our elderly Americans. I urge my colleagues to vote in support of this legislation.●

● Mrs. BYRON. Mr. Speaker, I rise in strong support of H.R. 4785, the Older Americans Act Amendments of 1984. As a member of the House Select Committee on Aging, I had the opportunity to chair a committee field hearing in my district on reauthorization of the Older Americans Act. I am pleased to report that many of the legislative recommendations I received from Marylanders have been included in the bill we will consider today.

Over its 19-year history, the Older Americans Act has created realistic alternatives for older persons who wish to avoid unnecessary and costly institutionalization. It has matured into a coordinated system of services that fill the needs of older people in their own communities—senior centers and nutrition programs, home-delivered meals for the homebound and an employment program that provides community services opportunities for low-income individuals. The act also finances research, training, and demonstration programs designed to promote better methods of meeting the needs of our senior citizens.

Many of these programs help to end the isolation that might otherwise be felt by our senior citizens. The congregate meal sites provide a place for people to get together for the warm fellowship which is so important to all of us. Other essential services, such as transportation, home health care, homemaker services, friendly visitation, and telephone reassurance help older adults maintain their independent lifestyles and dignity.

One of the strengths of Older American Programs has been in giving State and local decisionmakers the ability to determine how best to deliver services in their States or localities. The needs of older citizens are generally different in each community, and local people are in a better position to judge the real needs of their own areas.

The Older Americans Act is one federally supported program that works well. It must also be viewed as a cost-effective program since it helps older people remain self-sufficient and relies heavily upon volunteers. More importantly, however, its contribution to preserving the personal dignity and independence of older persons cannot be measured in dollars and cents.

As our senior population continues to grow, the Older Americans Act must also grow and change in order to continue to meet the needs of our elders. H.R. 4785 extends Older Americans Act programs for 3 years, provides for a 5-percent funding increase, improves the administration of the act, creates a new health education and training program, and focuses needed attention on Alzheimer's disease which afflicts so many older persons.

I urge my colleagues to support this measure to ensure that the needs of our elderly are being met.●

● Mr. FEIGHAN. Mr. Speaker, I rise today in support of the Older Americans Act amendments. This crucial legislation extends the Older Americans Act programs through 1987, creates a new Older Americans Personal Health Education and Training Program, and makes a number of significant improvements in the administration of the older Americans programs.

The Older Americans Act has provided invaluable assistance to this Nation's senior citizens. From its Home-Delivered Meals Program to its nutrition and support services, the Older Americans Act has vastly improved the quality of life for millions of Americans. In addition, this legislation has funded cost-efficient community service employment programs and upgraded the quality of research being done on disease and illness. For example, the bill before us today would finally identify Alzheimer's disease as a special focus of concern in funding training and research demonstration projects.

I am greatly disappointed that the Reagan administration opposes this legislation. In the past 3 years, they have tried their best to savage the Older Americans Act programs. They have tried to cut the Meals for the Elderly Program by $10 million, and they have tried to slash the research and training amounts by 80 percent.

I cannot understand why the White House insists on punishing this Nation's elderly. They have cut Social Se-

curity by $20 billion. They want to cut Medicare by $18 billion. They have shown no compassion for 30 million senior citizens who are trying to make ends meet while living on fixed incomes.

I rise today to oppose the administration's policies and to support the Older Americans Act Amendments. I urge my colleagues to do the same.●

● Mr. ROTH. Mr. Speaker, the reauthorization of the Older Americans Act is a top priority on the congressional agenda.

I have always listened to senior citizens in northeastern Wisconsin. They have expressed their firm support for the various programs made possible through the Older Americans Act. One program enjoying immense popularity is the home-delivered meals, commonly called Meals on Wheels, which, together with congregate meals, provide good nutrition to the elderly, especially those who live alone on low incomes.

I would also like to make note of another program working effectively in my district—Wisconsin Green Thumb, which comes under the Senior Community Service Employment Program. Green Thumb attempts to fulfill an order person's desire and need to work and secure some financial stability. A needy senior citizen is given the opportunity to use the important assets of time, energy, skill, and willingness in a variety of jobs, such as a day-care aide, a building and ground maintenance worker, or a teacher assistant. Through Green Thumb, the older individual continues to be of service to the community and to future generations.

These basic programs funded under the Older Americans Act have visibly worked well in keeping older people healthy, independent, and active in communities in my home State and across this Nation.

Besides extending the popular basic programs, this extension of the Older Americans Act improves the development of health-related education and training programs addressing the needs of older individuals. Existing resources will be used: senior centers will become classrooms; senior citizens will become students; and people in the fields of public health, social work, and gerontology will assist in the instruction.

I believe that the improvements and the modest increase in authorized funding levels contained in this legislation are reasonable, particularly when we take into account that senior citizens make up one of the fastest growing segments of the American population.

I am very glad to be voting for this 3-year reauthorization and hope my colleagues will join me in demonstrating strong support for this Nation's senior citizens.●

● Mrs. COLLINS. Mr. Speaker, for the past 19 years, the Older Americans Act has provided a wide range of services for the elderly in their own neighborhoods. I am convinced that these programs, such as senior center and meals for the homebound, contribute to the health and well being of seniors who are brought together in supportive groups or see a friendly face visiting with them at home.

This legislation would extend the act 3 more years and raise funding about 5 percent each year. Money for supportive services, such as home-delivered meals to the homebound, and senior centers would be increased an additional 5 percent a year as more and more older people need them.

A major focus of the proposed law is to encourage knowledge about the specific health concerns of seniors. We would use the current 3,300 senior centers as classrooms for new health education and training programs. Professors and graduate students in the fields of medicine, nursing, gerontology, and many others would be enlisted to teach and train seniors in the prevention of illness.

Another important health-related goal of the bill is to raise awareness of Alzheimer's disease, an illness that afflicts many older Americans. For years, this malady was misdiagnosed as inevitable due to senility. Recent research leads many doctors to believe that Alzheimer's is caused by physical or genetic defects and therefore can be treated. The bill would promote medical work in this area.

Finally, to ensure that these worthy changes will be enacted promptly and effectively, the current Administration on Aging would be elevated to an Office on Aging with its own commissioner reporting directly to the Secretary of Health and Human Services. This would eliminate one layer of unnecessary bureaucracy.

All in all, the Older Americans Act Amendments of 1984 would continue a fine program that has aided more than 9 million senior citizens in the past two decades. I feel confident that it will benefit all the citizens of the Seventh Congressional District of Illinois.●

● Ms. OAKAR. Mr. Speaker, last year, the Older Americans Act enabled more than 9 million older citizens to take advantage of important services and programs such as Meals-on-Wheels, Green Thumb, Community Services Employment, Transportation, Legal Aid, and Health Services. It is a program which has expanded since its inception in 1965, meeting the needs and challenges of our senior citizens. Moreover, the Older Americans Act has succeeded in fulfilling its goal by assisting and promoting States to serve the elderly. Without programs, services, and research provided through the act, many of our Nation's older citizens would be less self-sufficient; others would be secluded.

The program has enthusiastic support in my own State of Ohio. In fiscal year 1983, more than 86,000 seniors received meals from the congregate, III-C program; 17,000 older Americans in Ohio received home-delivered meals. And record numbers of senior citizens in Ohio participated in the Outreach Program provided through the act, the information and referral service, and the Transportation Program. Area Agency on Aging officials in Ohio predict that the participation rates will increase in the coming years.

Today, we consider the reauthorization of the Older Americans Act. It is clear that this program is a necessary part of older Americans' lives. H.R. 4785 would extend this program for 3 more years. H.R. 4785 provides for an important addition to the Older Americans Act, by encouraging the development of health education and training programs for older citizens. The bill also acknowledges the increased awareness of Alzheimer's disease and other neurological and organic brain diseases by promoting research and development in this area. Furthermore, H.R. 4785 fosters increased participation by minorities.

Mr. Speaker, the members of the Education and Labor Committee deserve praise for the work they put into this bill. Congressman BIAGGI of New York and Congresswoman SNOWE of Maine, who took the lead in the Select Committee on Aging, should also be complimented. I believe the bill achieves its goal, maintaining the categorical nature of the program, while expanding such needed areas as research on brain diseases. I wholeheartedly support the bill and encourage my colleagues to do the same.●

● Mr. LUNDINE. Mr. Speaker, I rise in support of the legislation before us. In considering the Older Americans Act Amendments of 1984 (H.R. 4785) today, we have an opportunity to reauthorize one of the most successful programs ever enacted by Congress. In a sense, it is appropriate that we have this opportunity to help continue the legacy of the late CARL PERKINS. The gentleman from Kentucky, a gifted legislative craftsman, was a leading figure in the enactment of many social programs such as the Older Americans Act. Although now taken for granted, Carl Perkins had the foresight to fight for many new humanitarian programs which have raised the quality of peoples' lives. Representative PERKINS' programs have given back a sense of dignity to the less fortunate of society. If a society is measured by how it treats the least fortunate, then CARL PERKINS' contributions have certainly elevated the quality of America.

The Older Americans Act provides essential supportive services, giving

many of our Nation's elderly the opportunity to stay in the mainstream of society. For instance, a home-delivered meal provides not only nutritious food but personal contact for shut-ins which prevents total isolation. Nationally, we are all familiar with the accomplishments of the Older Americans Act. In 1983, supportive services such as transportation, employment, and nutrition were provided to over 9.1 million older persons. Today, I would like to briefly share with you how the Older Americans Act addresses some of the critical needs of the elderly in the southern tier of New York State.

My district stretches close to 250 miles from the shores of Lake Erie to the Finger Lakes region, and is predominantly rural in nature. While many older Americans live in cities and experience urban problems, the vast distances involved in the southern tier present different and unique problems. The problem of isolation is exacerbated when you live miles from your nearest neighbors. Many of my older constituents may not see, much less have contact with, another person for days. Under these circumstances, home-delivered meals have become more than just food and a friendly visit. Local program administrators have used this program as not only a vehicle for delivering a nutritious meal, but as a diagnostic tool to take a comprehensive look at their clients' needs. Based on these assessments of need, the elderly clients can then be informed about and use local community services appropriate to their needs. This networking leads to more efficient and effective use of existing services, which is clearly one of the basic purposes of the Older Americans Act.

Another unique need we have in the southern tier due to its rural character is lack of employment opportunities for the elderly. We have many elderly poor in the Appalachian region, persons who still want and need to work yet cannot find a job. Rural areas simply do not have the job opportunities found in more urbanized areas. In addition, with much of my area's unemployment rates well above national figures, the southern tier has not yet felt the economic recovery experienced by much of the United States. Thus, the problem for the elderly poor is not finding the right job; rather, the problem is the lack of job opportunties period. The Senior Community Service Employment Program (title V) has provided one of the few, if not the only, employment outlets for the elderly poor of my district. This program has not only provided an opportunity for the elderly to get out and help others with their skills and talents; title V employment has dramatically increased the standards of living for many participants in the southern tier.

While I have highlighted but two programs of the Older Americans Act which are important to the southern tier of New York, I am sure that many of my colleagues can attest to the good works of the Older Americans Act in their districts. Given the overwhelming bipartisan support for these programs, I urge speedy passage of H.R. 4785.●

● Mr. DOWNEY of New York. Mr. Speaker, we will shortly be considering the reauthorization of the Older Americans Act, the program which Congress created in 1965 to meet the needs of senior citizens. After Social Security and Medicare, the Older Americans Act is the major program which provides assistance for the elderly. It deserves our strong support.

H.R. 4785, the Older Americans Act Amendments of 1984 will authorize a total of $4.19 billion over the fiscal year 1985–87 period to carry on existing programs under the act and to implement several new programs. Existing programs include support services for transportation for the elderly, provision of in-home services, legal services, community outreach, and nutrition programs. These programs play a major role in ensuring a healthier, safer, and more comfortable life for our senior citizens. For example, the nutrition program provides 302 million meals to approximately 3.4 million senior citizens and the employment program supports 62,500 job positions.

This bill also authorizes a new program to develop health education and training programs for the elderly, using existing senior citizen centers and graduate schools of public health and medicine. It also upgrades the Office of the Commissioner on Aging in an effort to improve the administrative strength of the program.

I urge my colleagues to support the reauthorization of the Older Americans Act by voting for H.R. 4785.●

● Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 4785, which reauthorizes Older Americans Act programs for the next 3 fiscal years. Enacted in 1965, the original act was meant to assist older persons through the development of State and local programs in areas of need, among them community service and the very popular and highly successful Meals on Wheels Program. The authorization levels for this much-needed program have been raised to $1.3 billion for fiscal year 1985, $1.4 billion in fiscal year 1986, and $1.5 billion for fiscal year 1986. Although the appropriations in past years have not reached their authorization ceilings, it is hoped that through this legislation additional attention will be paid to those problems affecting our elderly.

I was therefore pleased to see that this legislation has included a provision stressing Alzheimer's disease as an important concern in research and training projects, and the creation of a new title VII within the Older Americans Act encouraging the development of health education and training programs. By establishing a positive approach to health promotion and illness prevention, and promoting the concept of wellness, we can gradually decrease the spiralling costs of health care in this country, which so often strikes at senior citizens: $8.6 million has been provided for fiscal year 1985, in order to establish a program within the Office on Aging that will target all aspects of health care provided to older Americans, funds which are sorely needed by a crucial segment of our society.

Among the funds authorized by this bill are amounts earmarked for specific programs: The congregate nutrition services in the amounts of $363.8 million, $402.8 million, and $423 million over 3 years, the Meals on Wheels Program at $72.3 million, $75.8 million, and $79.6 million for fiscal years 1985, 1986, and 1987, and the community service employment program, which has been allocated $331.9 million in fiscal year 1985, $345.5 million in fiscal year 1986, and $359.3 million in fiscal year 1987. There are so many other programs of merit contained within this legislation that it becomes difficult to list them all; suffice it to say that each one enjoys my strong support in its attempts to serve the older population of our Nation. Mr. Speaker, I reiterate my support of this authorization legislation, and accordingly, urge my colleagues support for its adoption.●

● Mr. KLECZKA. Mr. Speaker, today there are more than 14 percent of those Americans aged 65 and older living below the poverty level. Thousands of the elderly in Wisconsin's Fourth Congressional District live in squalor. Even when food and housing benefits are considered, more than 12 percent of our Nation's elderly still suffer their lives in poverty. And these members can only grow so long as the budget cuts continue to hit the elderly hard.

We must continue the fight to protect benefits for the elderly, especially Social Security and Medicare. We must put controls on the providers of health care so that costs for everyone will be reduced. It is essential that we target budget cuts fairly so that the elderly are protected.

When the House votes on the Older Americans Act today, we will be voting on an important piece of legislation for all of the elderly of this country. But this act is only one part of what should be a national plan to protect the elderly.

A popular adage is that growing old isn't so bad when you consider the alternative. Let us see to it that this is

as true for our children as it was for our parents and grandparents.●

● Mr. BONKER. Mr. Speaker, I rise in strong support of H.R. 4785, legislation to reauthorize and expand the Older Americans Act.

Since its inception in 1965, the Older Americans Act programs have provided essential services to millions of older persons. The act has been the pivotal force in expanding the resources from both the public and private sectors to address the needs of this Nation's elderly citizens. Over the last 10 years, the act has been amended numerous times to expand the Federal commitment to those over 65, who now represent over 11 percent of the population.

I am pleased to be a cosponsor of H.R. 4785 and would like to applaud the efforts of Congressmen ANDREWS and PETRI who have worked with the other members of the Education and Labor's Subcommittee on Human Resources to develop this 1984 reauthorization legislation. The bill increases funding by 5 percent over the next 3 years and provides new money to enable Area Agencies on Aging to better coordinate community based long-term care services.

As chairman of the House Select Committee on Aging's Subcommittee on Housing and Consumer Interests, I am well aware that the Older Americans Act has historically received widespread support in Congress because of the many valuable benefits it has provided to our Nation's elderly population. Although the Reagan administration proposed a spending freeze for all major programs under the Older Americans Act, the OAA reauthorization bill has again received solid bipartisan backing.

One of the Older Americans Act programs that has been particularly beneficial in the State of Washington is title III(c)(2) which establishes the home-delivered meals program. This program assures well balanced diets to many homebound seniors who would otherwise receive an inadequate diet. Last year the program served 1,044,800 meals to Washington State's older population as well as an additional 1,780,500 congregate meals.

This is just one example of the many nutritional, social, employment, and transportation services provided under the Older Americans Act, and just one example of why today's legislation should be overwhelmingly adopted.●

● Mr. JEFFORDS. Mr. Speaker, I rise in strong support of the legislation before us, the Older Americans Act of 1984. As a member of both the Education and Labor and Select Aging Committees, I am very familiar with the success of this legislation. I was proud to be an early cosponsor of this bill, and am pleased that it has come before the House for its approval. I urge my colleagues to give this legislation their overwhelming support.

Since 1965, the Older Americans Act has worked to serve the elderly of this country. Through the years, it has been refined and expanded to the point where it now provides supportive services to more than 9 million people and nutrition services to nearly 3½ million older Americans. Tens of thousands of jobs are provided through the act's Community Service Employment Program.

The act also supports hundreds of area agencies on aging spread across the country. In my State, the area agencies have done an admirable job in serving as an advocate and ally of the aging.

It is frequently and accurately said that this act helps to combat the isolation and loneliness that so often confronts senior citizens in our country. I can testify that this is indeed the case, and believe this is a necessary and vital function of the Federal Government. Especially in a rural State such as mine, older Americans find it difficult to get by. Transportation is often difficult, and the costs of living—for food, fuel and shelter especially—are high. These costs are increasing rapidly. The price of electricity is climbing, and telephone rates will increase dramatically in the wake of the AT&T divestiture.

With these increasing burdens on older Americans in Vermont and across the country, the Older Americans Act becomes all the more important. Again, I urge my colleagues to join me in supporting this legislation.●

● Mr. MRAZEK. Mr. Speaker, I rise today to express my strong support for the Older American Act Amendments of 1984. As you know, this act provides funding for a great many invaluable services and programs for our senior citizens.

Enacted in 1965, the Older Americans Act was specifically designed to address the needs of our older population. While there are many other programs under which older people may receive assistance, this act is the major vehicle for the organization and delivery of services solely to senior citizens, tailored to meet their special needs.

The Older Americans Act program has developed from one supporting several small grants in 1966, to a program which now supports 552 area agencies on aging and 57 State agencies on aging. In fiscal year 1983, area agencies on aging provided supportive services to approximately 9.1 million older individuals and nutrition services to about 3.4 million seniors.

In New York State, our office for the aging was able to provide 9.4 million congregate meals and 3.8 million home-delivered meals to the elderly in need of nutrition assistance in fiscal year 1984 through funds provided under title III of the Older Americans Act. This is just one small example of how this funding has been used to aid in the well-being of our country's seniors.

We, as Members of Congress, owe a great deal to the senior citizens in this country who have contributed all of their lives to the well-being of this Nation. At the very least we should reauthorize programs such as the Older Americans Act which provide such needed programs.

Thank you for the opportunity to express my enthusiastic support for the Older Americans Act Amendments of 1984.●

● Mr. SMITH of New Jersey. Mr. Speaker, I am proud to rise today to express my strong support for H.R. 4785, the Reauthorization of the Older Americans Act. Since its inception in 1965, the Older Americans Act has helped provide much needed assistance for this Nation's elderly citizens. It is an especially important piece of legislation in light of the fact that in recent years our older population has begun to grow increasingly faster than at any other time in history.

Back in the early 1900's, for instance, the number of people 65 and over was just over 3 million. In 1960 that number had grown to 12 million, and in the most recent census of 1980 there were nearly 20 million Americans 65 and over—9.8 percent of the total population. If the rate of growth continues at projected levels, the number of poeple in this age bracket will have reached 35 million—or roughly 13 percent of the population—by the year 2000.

In reauthorizing the Older Americans Act, Congress will be recognizing the current needs of our older population as well as looking ahead to the futue needs of a much larger number of senior Americans.

One problem facing many older Americans is that of low income. According to a U.S. Bureau of Census survey in 1983, fully 14 percent of the American aged population lives at or below the poverty level. While this is a decrease from previous years, there is still much work to be done. In addition, a significantly higher proportion of elderly than nonelderly are catergorized as near-poor, that is their income is just above the poverty level.

The objective of the Older Americans Act, as many already know, is not only to improve the income of the elderly, but also their health, housing, and community service opportunities. The act provides supportive services, nutrition servics, and multipurpose senior centers. These programs are intended to assist older persons attain maximum independence in a home environment, to remove any individual or social barriers to economic and personal independence, and to provide

services and care for the vulnerable elderly.

Taking a look at the success and effectiveness of this act, we see that in 1981 alone, under programs supported by title III of the Older Americans Act, the following numbers of elderly were served: Approximately 8.9 million older persons were social service participants; over 2.8 million persons were served by the congregate meals program; 600,000 persons were served by the home-delivered meals program.

Besides the service-oriented programs, the Older Americans Act also provides for support of research demonstration, and training programs for and about the elderly and aging.

I am proud today to support our senior citizens who have contributed a lifetime of work and effort to this country. It is time for this country to recognize them by insuring that they are properly cared for, compensated, and respected. I, therefore, strongly support reauthorization of the Older Americans Act, and I trust the other Members of this body will also actively support the senior citizens of America in like manner.●

● Mr. REGULA. Mr. Speaker, the age 65 and over population has grown to nearly 11.6 percent of our total U.S. population. By the year 2025, this figure will nearly double. Until the Older Americans act was conceived and promulgated in 1965, there was a paucity of services for our elderly. Today, the Older Americans Act, which serves the major vehicle for the organization and delivery of social, nutrition, employment, and other services to the elderly, is one of the most successful and most supported programs we have.

The success of this act is well documented by hearings and a survey conducted by the Subcommittee on Human Resources of the Select Committee. Hearings in 1977 showed that 15 percent of all nursing home residents were there, due to inadequate diet. This figure is appalling. Not because nursing homes are bad—statistics show that it is only about 20 percent of nursing homes which should be closed and which get the bad press the other 80 percent are adequate to excellent.

The problem with this 15 percent is that, as we all know, most individuals would prefer to remain in the home. Many times an elderly individual will give up the hope of living if placed in a nursing home because they believe they will never return to their own home. In giving up their hope, their physical health also obviously suffers.

The financial aspects of nursing homes must also be considered. In 1982, as a nation we spent $27.3 billion on nursing home care. The Medicaid Program spent $13.2 billion of the total $27.3 billion for nursing home care. These Medicaid expenditures represent approximatley 50 percent of all spending for this service and 88 percent of all public spending for this service. Virtually no private insurance covers nursing home care.

In 1984, it is estimated that as a nation we will spend $32.7 billion on nursing home care. By 1990, this figure is expected to increase to $76 billion.

The reason Medicaid expenditures are so important to the reauthorization of the Older Americans Act is that the Subcommittee on Human Resources of the Select Committee on Aging estimated, through their hearings and surveys, that approximately 30 percent of the 0.6 million title III-C-2 participants and 18 percent of the 2.8 million title III-C-1 participants receive Medicaid benefits.

These two titles, however, have proven extraordinarily effective in maintaining the good health of its participants and in assisting them in remaining in the community and in their own homes.

In a followup to the hearings the conducted in 1977, the subcommittee found this year that malnutrition is no longer a significant problem in the nursing homes. The subcommittee has attributed this, in part, to the home-delivered meals program. For this reason, I would like to take this opportunity to commend Representative BIAGGI for gaining an additional $15 million in the supplemental recently passed for these programs in fiscal year 1985.

H.R. 4785 is an excellent piece of legislation and I would like to commend all the individuals working on this reauthorization and encourage an expedient conference.●

Mr. ANDREWS of North Carolina. I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. ANDREWS] that the House suspend the rules and pass the bill, H.R. 4785, as amended.

The question was taken.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

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

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

There was no objection.

OLMSTED HERITAGE LANDSCAPES ACT OF 1984

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4356) to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Olmsted Heritage Landscapes Act of 1984".

CONGRESS FINDINGS

SEC. 2. The Congress finds and declares that—

(1) Frederick Law Olmsted, Senior, was the premier American landscape architect during the nineteenth and early twentieth centuries and is considered the father of landscape architecture in the United States;

(2) Olmsted's philosophy and designs influenced the development of landscapes throughout the Nation, including national, State and local parks, forest, parkways, college campuses, cities and planned communities, and publicly and privately owned estates, institutions, cemeteries, and recreation areas;

(3) Olmsted's sons, associates, and professional descendants carried out his philosophy and designs well into the twentieth century and, coupled with the achievements of Olmsted himself, have left a tremendous legacy of historic landscapes and philosophy that continues to benefit the American people and people throughout the world;

(4) Olmsted's social responsibility, ecological sensitivity, and landscape design creativity have inspired the development of large urban parks for public benefit in urban areas throughout the United States, creating a legacy of parks which today constitute a singular feature of the urban experience and serve as an inspiration for park and recreation work;

(5) age, overuse, deteriorating infrastructure, inadequate maintenance, and inappropriate developments threaten these historic landscapes and many may be damaged or destroyed without a coordinated program to protect them;

(6) although voluntary, private efforts have been initiated to identify, commemorate, restore, and preserve the Olmstead legacy, the enormity and complexity of the task and the diverse ownership of the sites throughout the country require the assistance and cooperation of all levels of government and the leadership and support of the Federal Government; and

(7) existing Federal programs relating to parks, recreation, and historic preservation can be expanded and utilized to preserve the Olmsted legacy for the use and enjoyment of present and future generations.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "Olmsted" includes Frederick Law Olmsted, Senior, his sons and associates (including such designers as Calvert Vaux and Warren Manning);

(3) "State outdoor recreation liaison officer" means the State officer designated as such under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4—4601-11);

(4) "Olmsted heritage landscape" includes any Olmsted-designed landscape, park, forest, parkway, college campus, planned community, estate, institution, cemetery, or recreation area (including, on a case by case basis, Olmsted-influenced sites identified by the Advisory Committee established under section 8);

(5) "inventory" means the inventory of Olmsted heritage landscapes prepared under section 4; and

(6) "documentation" includes blueprints, drawings, photographs, and other available records.

As used in this Act, the terms "preservation", "State historic preservation officer", "State", and "local government" have the same meaning as when used in the National Historic Preservation Act (16 U.S.C. 470-470t).

INVENTORY

SEC. 4. (a) The Secretary, acting through the Director of the National Park Service in consultation with the Advisory Council on Historic Preservation, and with participation of State historic preservation officers, State outdoor recreation liaison officers, organizations representing local elected officials and local governments, concerned private and public organizations, academic institutions, professional associations, and interested individuals, shall prepare an inventory of Olmsted heritage landscapes. The Secretary shall publish notice in the Federal Register of each item included in the inventory and shall also submit notice of such inclusion to the Congress. In the preparation of the inventory, existing data shall be used to the maximum extent possible.

(b) The inventory shall be compiled on State-by-State basis. Copies shall be deposited in the Library of Congress and access provided at the Frederick Law Olmsted National Historic Site, Massachusetts, at National Park Service regional offices, and at appropriate State offices.

(c) The inventory shall consist of the following two portions—

(1) a listing of all Olmsted heritage landscapes, to be completed within 18 months after the date of the enactment of this Act; and

(2) an evaluation of all listed Olmsted heritage landscapes, to be completed within six years after the date of the enactment of this Act (with one-third of such evaluation to be completed within two years after such date of enactment and two-thirds to be completed within four years after such date of enactment).

(d) The listing portion of the inventory prepared under subsection (c)(1) shall contain a description of what the landscape consists of, where it is located, who designated the landscape and what the present status of the landscape is (including at least a description of the present physical condition and ownership and a summary of any known problems).

(e) The Secretary, acting through the Director of the National Park Service, shall establish a process for evaluating the landscapes included on the listing portion of the inventory under subsection (c)(1). Such evaluation shall be carried out with the consultation and participation referred to in subsection (a). For each Olmsted heritage landscape the evaluation portion of the inventory shall include at least the following—

(1) a description of the landscape's location and history of ownership;

(2) documentation on the design intention of the landscape, including its purpose, philosophical base, social and physical aspects;

(3) documentation on the means by which the design intention was carrried out, including horticulture, mechanical aspects (such as topographical alternations, roads, drainage, sewage systems, and structures), and other means;

(4) documentation of the current status and condition of the landscape;

(5) documentation of changing circumstances which could affect the landscape;

((6) evaluation of the landscape's physical or philosophical influence on other sites and landscape designs;

(7) an evaluation of the landscape's national and international significance, if any; and

(8) specific criteria for preservation of the landscape to assure safeguarding of its historic integrity.

The inventory shall be periodically updated (but not less frequently than every ten years) after the consultation and participation referred to in subsection (a). Summaries of any changes in the inventory shall be published in the Federal Register.

(f)(1) All properties on the inventory prepared under this section shall be part of an Olmsted heritage landscape system.

(2) Any property on the inventory which meets the criteria for the National Register of Historic Places shall be considered eligible for the National Register. Any property identified in such inventory as nationally significant by a State historic preservation officer or state outdoor recreation liaison officer shall be studied by the Secretary for possible designation as a national landmark and, if internationally significant, for the World Heritage List.

FEDERAL ASSISTANCE

Sec. 5. (a) The Secretary of the Interior shall—

(1) in consultation with Advisory Council on Historic Preservation, promulgate, within 6 months after the enactment of this Act, general standards for preservation of historic landscapes (including but not limited to Olmsted heritage landscapes);

(2) provide technical assistance to other Federal agencies, State and local governments, private organizations and interested individuals, on the identification, commemoration, and preservation of Olmsted heritage landscapes;

(3) conduct and submit to Congress, within three years after the enactment of this Act, a thematic study of historic landscapes to identify landscapes (including Olmsted heritage landscapes) which would qualify as national historic landmarks and to make findings and recommendations regarding their status and the need for any special assistance, including funding, maintenance, or capital investment needs;

(4) encourage a compatible program for the use of the Frederick Law Olmsted National Historic Site, Massachusetts, as a center for research, fellowships, and related activities, and establishment of an appropriate advisory committee for the site; and

(5) develop appropriate international activities related to Olmsted heritage landscapes.

The above activities shall be conducted with the consultation and participation referred to in section 4(a).

(b) The Secretary shall take such steps as may be necessary to provide for, and encourage, the coordination of applications for grants from the historic preservation fund, from the land and water conservation fund, and under the urban park and recreation recovery program for the preservation of Olmsted heritage landscapes. Nothing in this subsection shall be construed to alter or affect the requirements applicable to the making of grants from the historic preservation fund, from the land and water conservation fund, or under the urban park and recreation recovery program.

(c) Each State and local government to which Federal funds are made available may use such funds for the preservation of any inventoried Olmsted heritage landscape, subject to the requirements for meeting the Secretary's standards under paragraph (1) and the specific criteria for preservation of the landscape under section 4(b)(8) and except to the extent other legislation expressly provide otherwise.

PUBLIC AND PRIVATE COOPERATION

SEC. 6. (a) The Secretary (and State and local governments receiving assistance under this Act) shall—

(1) encourage maximum public participation in all aspects of the program established under this Act, including the identification, commemoration, and preservation of any Olmsted heritage landscape:

(2) encourage local initiatives and encourage joint projects and the use of volunteers and internships at all levels of government and in the private sector;

(3) encourage projects that will leverage increased private support; and

(4) coordinate activities with other public and private agencies, institutions, and organizations.

(b) The Secretary may enter into contracts and cooperative agreements with States, local governments, corporations, associations, nonprofit organizations, and other institutions to carry out the purposes of this Act.

COMMEMORATION

SEC. 7. In order to commemorate the Olmsted achievements and influence on American life, the Secretary, in consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution and the Advisory Council on Historic Preservation, and with participation of other government agencies, concerned public and private organizations, academic institutions, professional associations, and interested individuals shall coordinate appropriate activities during the decade of 1985 to 1995, including a study on the influence of Olmsted's philosophy and designs on American life and as part of such study, a symposium in 1985 and publication of the proceedings of such symposium; an exhibit and film (and related informational materials) on Olmsted's legacy, copies of which shall be made publicly available; technical and financial assistance to national nonprofit organizations and professional associations in commemorating the Olmsted legacy; and appropriate activities at the Frederick Law Olmsted National Historic Site, Massachusetts, including the opening of completed archives at the site.

ADVISORY COMMITTEE

SEC. 8. (a) There is hereby established the Advisory Committee on Olmsted Heritage Landscapes (hereinafter referred to as "the

Committee"). The Committee shall assist the Advisory Council on Historic Preservation (hereinafter referred to as "the Council") in carrying out those of its duties under the National Historic Preservation Act that relate to Olmsted heritage landscapes, including but not limited to—

(1) reviewing the priorities, process, and product of the inventory prepared under section 4 of this Act;

(2) reviewing the priorities, criteria and standards for the identification, evaluation, restoration, and preservation of Olmsted heritage landscapes;

(3) assisting in the development of appropriate public participation and information dissemination plans;

(4) assisting the Council in evaluating undertakings that may affect Olmsted heritage landscapes, during the Council's consultation processes under the National Historic Preservation Act (including section 106 and section 110 of that Act) and under section 402 of the National Historic Preservation Act Amendments of 1980 (94 Stat. 2987);

(5) providing advice on any other landscape that may qualify, because of its Olmstead influence, as an Olmsted heritage landscape under section 3; and

(6) making other recommendations concerning the implementation of this Act.

(b) The Committee shall be composed of eleven members, to be appointed by the Chairman of the Council as follows—

(1) two members to be appointed from recommendations submitted by national organizations concerned with Olmsted parks and heritage landscapes, Olmsted papers, and other Olmsted memorabilia;

(2) two members to be appointed from recommendations submitted by national organizations concerned with landscape architecture, historic architecture, architectural history and historic preservation;

(3) four members to be appointed from recommendations submitted by national park, conservation, and recreation organizations; and

(4) three members representing other related disciplines such as history, architecture, horticulture, archaeology, geography, environmental studies, urban ecology, and planning, who have demonstrated interest in Olmsted heritage landscapes.

Each member of the Committee shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed shall serve for terms of one to four years, as designated by the Chairman; of the Council at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. A member may not serve more than two terms. A member whose term has expired shall serve until that member's successor has been appointed. The Chairman of the Council shall designate one member of the Committee as Chairman, and shall fill vacancies in the same manner as original appointments were made.

(c) Members of the Committee shall serve without compensation as such, but may receive reimbursement for necessary travel and subsistence expenses reasonably incurred in carrying out their responsibilities under this Act.

(d) The Chairman of the Council (or his designee) shall from time to time, but at least semiannually, meet and consult with the Committee on matters relating to the identification, evaluation, restoration, and preservation of Olmsted heritage landscapes, and shall seek the recommendations of the Committee during any consultation process required by the National Historic Preservation Act when that process concerns an Olmsted heritage landscape. Upon the request of the Committee, the Council shall provide such staff support as necessary.

(e) The Committee shall terminate on December 31, 1995, but may be extended by the Council for not longer than five additional years unless otherwise determined by the Congress.

FUNDING

SEC. 9. (a) Effective October 1, 1985, there is authorized to be appropriated to carry out this Act such sums as may be necessary.

(b) Contract authority under this Act shall be subject to the general availability of appropriations.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] 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 Ohio [Mr. SEIBERLING].

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

Mr. Speaker, the purpose of H.R. 4356 is to identify, commemorate and preserve the legacy of historic landscapes designed by Frederick Law Olmsted, his sons and associates.

Frederick Law Olmsted, Sr., was this century's foremost landscape architect of the 19th and early 20th centuries. He is often referred to as the father of landscape architecture in the United States. Although perhaps best known for his work on the design of Central Park in New York, and the Capitol Grounds here in Washington, DC, Olmsted also inspired the development of public and private landscapes throughout the United States and other nations as well.

Unfortunately, a great many of these historic landscapes are threatened by inadequate maintenance, inappropriate developments, age, and deteriorating infrastructure. H.R. 4356 would build on existing State, local, and private efforts to identify, commemorate and preserve the legacy of Olmsted-inspired landscapes. Rather than create an entirely new program, the bill would use existing Federal, State and local programs for parks, recreation and historic preservation, and would direct the Secretary of the Interior to coordinate the inventory of the sites, provide technical assistance and establish standards for the preservation of the Olmsted historic landscapes.

The cost of this bill is minimal; indeed, much of the work will be actually carried out through the efforts of the private sector and State and local government agencies.

The legislation has the support of the National Association of Olmsted Parks, the American Society of Landscape Architects, the National Conference of State Historic Preservation Officers, and the National Trust for Historic Preservation, to name a few. What the list reveals is that the support for the bill is broad, and encompasses interests ranging from landscape architecture and historic preservation to park conservation and outdoor recreation.

I urge my colleagues to support H.R. 4356.

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, it is my understanding that the purpose of this legislation is to identify and commemorate landscapes and designs created by Fredrick Law Olmsted through the creation of a special Olmsted heritage program operated primarily by the National Park Service. Since many of our most valuable urban landscapes were Olmsted designs, the identification and commemoration of these designs is a worthwhile purpose. I fully support the goal of this legislation to further this purpose.

In testimony presented to the Subcommittee on Public Lands and National Parks, the National Park Service indicated that most of the functions required under the bill can be accomplished under current law. While the Historic Sites and Historic Preservation Acts do authorize those functions, they do not place a priority on certain designs or types of property as does this legislation. In creating a comprehensive conservation program for Olmsted designs, H.R. 4356 would, if enacted, effectively elevate the status of Olmsted designs as well as certain Olmsted-influenced designs and place Federal priorities on the conservation of these landscapes.

Another concern expressed during the hearings on this legislation was that of a park director of a major city who noted that conservation of Olmsted designs should not be so rigid as to not allow for changing uses such as increased recreational spots in urban parks. It is my understanding that this legislation would not establish a priority for rigid adherence to original designs which would fail to take into account valid and important changing uses in the uses of the landscapes.

Finally, it should also be noted that the bill now accommodates the concern that the bill as introduced could have placed unreasonable restrictions on the uses of the landscapes by non-Federal interests. The purpose of this

bill is to identify and commemorate the Olmsted designs, not to place restrictions on the designs which would supersede the prerogatives of State and local governments in the uses of the properties owned by them. If such restrictions are to be placed on these properties, outside of those existing in the Historic Preservation Act, the restrictions would stem from site-specific designation legislation not now before the Congress.

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 4356, as amended.

The question was taken; and (two-thirds of those present having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PROVIDING FOR ACQUISITION OF CERTAIN LANDS FOR THE BIG THICKET NATIONAL PRESERVE IN TEXAS

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5631) to provide for the acquisition of a visitor contact and administrative site for the Big Thicket National Preserve in the State of Texas.

The Clerk read as follows:

H.R. 5631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), is amended by inserting after the first sentence the following new sentence: "The Secretary may also acquire, by any of the above methods, approximately 15 acres of land outside of the boundaries of the preserve in the vicinity of the intersection of United States Highway 69 and State Farm-Market Road 420, in Hardin County, Texas, for purposes of a visitor contact and administrative site."

(b) Section 6 of such Act is amended by inserting at the end thereof the following new sentence: "Effective October 1, 1984, there is authorized to be appropriated such sums as may be necessary for the acquisition of the visitor contact and administrative site referred to in subsection (c) of the first section of this Act.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio [Mr. SEIBERLING] 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 Ohio [Mr. SEIBERLING].

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

Mr. Speaker, H.R. 5631 would allow the Secretary of the Interior to acquire approximately 15 acres of land outside the boundaries of the Big Thicket National Preserve in Texas, for the purpose of a visitor contact and administrative site.

In September 1980, the general management plan for the preserve addressed the issue of an interpretive facility/administrative complex and its location. Most areas were found not to be suitable for development because of the existence of a 100-year flood plain and wetlands in nearly all of the units of the preserve. Further, the authorizing legislation of Big Thicket National Preserve requires the Secretary to keep development to a minimum within the preserve. Alternative locations for a visitor center were sought, and the plan identified the site referred to in this bill.

In conclusion, I urge support of H.R. 5631.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5631. This legislation will address the need to acquire a visitor center and administrative site for the Big Thicket National Preserve. It is my understanding that the land currently under Federal ownership does not contain a site which is suitable for a center fitting the character of the preserve. Also, development of a site large enough to serve the public is limited by the wetlands nature of the land within the preserve. As the testimony presented to the Interior Committee noted, development is limited in areas fitting within the wetlands classification.

Because of the difficulties faced in locating suitable land within the preserve, alternatives were investigated and a suitable site was located. This site has been offered for sale to the Federal Government. Although the Park Service could continue to seek donated land for the needed site, I believe it would be better to enact this legislation and acquire the site. The Park Service has estimated that $60,000 will be required for this purpose.

The gentleman from Texas [Mr. WILSON] has provided a feasible means to make this needed addition to the preserve. For these reasons, I urge my colleagues to support H.R. 5631.

Mr. Speaker, I yield back the balance of my time.

□ 1400

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 5631.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VOLUNTEERS IN THE PARKS ACT OF 1969 AMENDMENTS

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 864) to amend the Volunteers in the Parks Act of 1969, and for other purposes, as amended.

The Clerk read as follows:

S. 864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4 of the Volunteers in the Parks Act of 1969 (84 Stat. 472; 16 U.S.C. 18j) is amended by striking out "$250,000" and substituting "$1,000,000". The amendment made by this subsection shall apply with respect to fiscal years beginning after September 30, 1984.

(b) Section 1 of such Act is amended by adding the following at the end thereof: "In accepting such services of individuals or volunteers, the Secretary shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes, or to displace any employee."

SEC. 2. Section 307 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2766; 43 U.S.C. 1737) is amended by adding at the end thereof the following new subsections:

"(d) The Secretary may recruit, without regard to the civil service classification laws, rules, or regulations, the services of individuals contributed without compensation as volunteers for aiding in or facilitating the activities administered by the Secretary through the Bureau of Land Management.

"(e) In accepting such services of individuals as volunteers, the Secretary—

"(1) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

"(2) may provide for services or costs incidential to the utilization of volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

"(f) Volunteers shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28, United States Code, and subchapter 1 of chapter 81 of title 5, United States

Code, relating to compensation for work injuries.

"(g) Effective with fiscal years beginning after September 30, 1984, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of subsection (d), but not more than $250,000 may be appropriated for any one fiscal year.".

SEC. 3. (a) The Congress finds that—

(1) the public lands administered by the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service contain valuable wildlife, scenery, natural and historic features, and other resources;

(2) the Congress has specified the duties and responsibilities of the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service to balance the conservation and protection of these public lands and resources with permitted uses in ways Congress has found to be appropriate for each of the various land areas;

(3) the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service are currently under Congressional mandates to maintain sufficiant visitor and recreational services in our national parks, campgrounds, and wildlife refuges;

(4) the Congress has authorized the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service to contract for the provision of certain facilities, accommodations, and services by non-Federal entities, but with certain limitations that reflect the values and appropriate management policies of the various conservation areas, parks, wildlife refuges, and other public lands; and

(5) expansion of the contracting authority of the managers of these conservation areas, parks, wildlife refuges, and lands should be considered only after careful study of the existing management mandates and contracting authorities and after congressional approval of such expansion.

(b) The Act of August 18, 1970 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" (16 U.S.C. 1a-1 through 1a-7) is amended by adding the following new section at the end thereof:

"SEC. 13. (a) Following the date of enactment of this section, the provisions of Office of Management and Budget Circular A-76 and any similar provisions in any other order or directive shall not apply to activities conducted by the National Park Service, except as may be specifically authorized by a provision of law enacted after the date of the enactment of this section.

"(b) Nothing in this section shall prevent the National Park Service from entering into contracts for services and materials under provisions of law and rules, regulations, orders, and policies other than the circular referred to in subsection (a) or any similar order or directive.".

(c) Section 307 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737) is amended by adding the following new subsection at the end thereof:

"(h)(1) Following the date of enactment of this subsection, the provisions of Office of Management and Budget Circular A-76 and any similar provisions in any other order or directive shall not apply to activities conducted by the Bureau of Land Management except as may be specifically authorized by the provision of law enacted after the date of the enactment of this subsection.

"(2) Nothing in this subsection shall prevent the Bureau of Land Management from entering into contracts for services and materials under provisions of law and rules, regulations, orders, and policies other than the circular referred to in paragraph (1) or any similar order or directive.".

(d)(1) Following the date of enactment of this subsection, the provisions of Office of Management and Budget Circular A-76 and any similar provisions in any other order or directive shall not apply to activities conducted by the United States Fish and Wildlife Service except as may be specifically authorized by a provision of law enacted after the date of the enactment of this subsection.

(2) Nothing in this subsection shall prevent the United States Fish and Wildlife Service from entering into contracts for services and materials under provisions of law and rules, regulations, orders and policies other than the circular referred to in paragraph (1) or any similar order or directive.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] 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 Ohio [Mr. SEIBERLING].

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

Mr. Speaker, S. 864 would raise the annual limitation on appropriations for the volunteers in the Parks Act, and would amend the Federal Land Policy and Management Act of 1976 to provide supplemental authorization to the Secretary of the Interior to allow the Bureau of Land Management to recruit volunteers, pay incidental costs, and define the status of volunteers under Federal employment.

The volunteers in the Parks Act of 1969 authorized the acceptance of volunteer services of individuals, without compensation, to aid in interpretive functions or other visitor services in areas administered by the National Park Service. Under the act, the National Park Service provides incidental transportation, uniforms, lodging, and subsistence, and the volunteer citizen is protected in the same manner as employees for the purposes of tort claims and compensation for work injuries.

As reported, the bill, rather than deleting the authorization ceiling entirely, would place a $1 million annual limit on the National Park Service and $250,000 annual limit on the Bureau of Land Management. The funding is for incidental costs, such as training and certain reimbursement costs; the volunteers do not receive any salary compensation. The bill would also prohibit the use of park volunteers in hazardous duty or law enforcement work, policymaking processes, or to displace any employee.

In addition, the bill would exempt the National Park Service, Bureau of Land Mangement, and Fish and Wildlife Service from the Office of Management and Budget's A-76 contracting directive or similar provisions in any other order, except as specifically authorized by law or by subsequent act of Congress. The section would not, however, prevent the agencies from entering into contracts for services and materials under other provisions of law, rules, or policies.

The language dealing with OMB circular A-76 specifically names the U.S. Fish and Wildlife Service of the Department of the Interior. Under the House rules, rule X, clause 1(n), sole jurisdiction over fisheries and wildlife, including the Fish and Wildlife Service, is given to the House Committee on Merchant Marine and Fisheries. I have been in touch with Chairman WALTER JONES of the Merchant Marine and Fisheries Committee who explains he has no objection to S. 864 being considered by the House without a prior referral to his committee so long as we acknowledge the jurisdiction of that committee on this subject. I intend to confirm this acknowledgment by exchange of letters between the chairmen of the two committees.

By way of background, OMB circular A-76 requires Federal agencies to rely on private enterprise to supply needed products and services for any commercial activity whenever a 10-percent savings in personnel costs can be achieved. A "commercial activity" is defined as one operated by a Federal agency that "provides a product or service which could be obtained from a commercial source." Examples range from janitorial services to mailroom operations.

Specifically exempted from A-76 is any "governmental function," defined as one "so intimately related to the public interest as to mandate performance by Government employees." A governmental function involves the discretionary exercise of governmental authority and includes "regulation of the use of space, oceans, navigable rivers, and rivers, and other natural resources."

Department heads have considerable discretion in carrying out the directive. Former Interior Secretary James Watt chose instead to pursue it with a vengeance. He moved up even the OMB's date for implementation, which is not until the end of fiscal 1987, to the end of fiscal 1984. Although Secretary Clark has eased the deadline somewhat, setting first a 1985

date and apparently now a 1986 one, the basic thrust has remained unchanged.

Earlier this summer the Subcommittee on Public Lands and National Parks held 2 days of oversight hearings on the A-76 directive and its impact on agencies in the Department of the Interior. We heard from Members of Congress, other elected officials, and the public, and from the Director of the National Park Service and the Deputy Director of the Fish and Wildlife Service. In addition, at the request of Representative PAT WILLIAMS, I personally met with employees of Glacier National Park this past month to discuss the impact of the A-76 directive on the park and its staff.

The oversight hearings held by the Subcommittee on Public Lands and National Parks brought out a number of problems with the A-76 directive as it relates to land-managing agencies such as the National Park Service. It was noted that the OMB directive itself, which has no specific statutory base, may violate the provisions of various acts which govern the National Park Service and the specific acts which established individual park areas and directed how they would be managed. Under the National Park Service Organic Act of 1916, Congress said that the Service's function is "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

At the subcommittee's hearings, it was emphasized that, using its existing authorities, the National Park Service already contracts out at least 15 percent of its operations. This does not include the substantial amount of services provided by the private sector under concessions contracts. In the past, the basic criteria was not only just whether contracting was more economical but also whether it was appropriate and desirable in meeting the needs of the visiting public and in protecting the natural and cultural resources of the individual park unit.

None of the witnesses opposed contracting per se. However, they did note many problems associated with contracting compared to using agency staff for a project or service. In rural areas, it is often difficult to obtain competing bids. Yet, if a contractor defaults or does not fully provide the level of required services, it is extremely difficult to bring the activity back in-house. By then the agency equipment has been liquidated and the employees let go.

Another problem is that it is very difficult to provide in a contract document the flexibility that is inherent in an employer-employee relationship. Park superintendents currently have the ability to move employees around in cases of emergency or to meet unforeseen circumstances, and they can reprogram their budgets to adjust accordingly. To have the same flexibility with a contractor would require either to include expensive contingency clauses in the initial contract or face the prospect of very expensive change orders once the contract is let.

Witnesses noted other hidden costs to agencies in conducting the A-76 reviews and in preparing bid documents. Substantial costs were noted in training employees—and in some cases hiring new ones—to do this work. The National Park Service alone has spent $3 to $5 million to date, and that does not include the costs of the work that was not done by employees pulled off their regular jobs. It was estimated that it would cost the National Park Service $10 to $12 million to meet a 1985 deadline for complying with A-76 on the 447 activities currently on its inventory. None of these funds has been authorized or appropriated by the Congress for this purpose; instead, the money to implement the A-76 directive is being diverted from other park programs. The ramifications of this have not been evaluated.

It was also pointed out that, once a contract is let, there may be other costs in administering the contract. These include the costs to the agency of monitoring the on-the-ground work; the costs of contracting officers and lawyers necessary to resolve contract disputes; and the costs of audits and audit resolution. There are also employee-related costs that have not been evaluated, including severance pay, and costs associated with possible appeals and litigation disputes over EEO, veterans' rights, bumping rights of senior employees, et cetera.

Department heads have considerable discretion in implementing A-76 with regard to individual agencies and programs. In particular, the management of parks, wildlife refuges, and public lands could some under the exemptions for a governmental function, which includes "regulations of the use of * * * navigable rivers and other natural resources."

The bottom line for this committee is the continued protection of our Nation's national parks, wildlife refuges, and public lands. S. 864 as amended would not prohibit contracting. However, it would assure that the essential missions of the Interior Depatment's land-managing agencies are given first consideration when contract decisions are made. Any expansion of those agencies' existing contracting authorities would be made only through an act of Congress.

Mr. Speaker, I am frankly shocked at the way this program is being implemented. This is not merely a question of contracting, since these agencies already do extensive contracting. Rather this is an OMB-imposed process of expediting it at an unprecedented rate, with no regard for the congressional mandates which these agencies must operate under or the resources they are charged with administering.

As our substitute amendment to S. 864 points out, the lands managed by the National Park Service, Bureau of Land Management, and Fish and Wildlife Service contain valuable wildlife, scenery, natural and historic features, and other resources. The agencies are required to balance the conservation and protection of these lands and resources with permitted uses and must maintain sufficient visitor and recreational services.

Congress has authorized the agencies to contract for the provision of certain facilities, accommodations, and services by non-Federal entities. However, these authorities also contain limitations to reflect the values and appropriate management policies of the various conservation areas, parks, wildlife refuges, and other public lands. We believe that any expansion of these contracting authorities should be considered only after careful study of the existing management mandates and contracting authorities and after congressional approval of such expansion.

Mr. Speaker, I want to commend several Members who have worked so hard on this issue—particularly Mr. WILLIAMS and Mrs. BYRON, and also Mr. VENTO, and Mr. KOGOVSEK. I would also like to commend Mr. SYNAR, chairman of the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations and Mr. ALBOSTA, chairman of the Subcommittee on Human Resources of the Committee on Post Office and Civil Service.

I would also like to thank several staff members, including Art Noonan of Mr. WILLIAMS' staff, Loretta Neumann and Dale Crane of my subcommittee staff, and Pope Barrow of the Office of Legislative Counsel.

I urge all Members to support this important legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. PAT WILLIAMS], whose initiative in this whole A-76 initiative has been outstanding and on whose invitation I recently visited Glacier National Park and spent several days there examining this issue; and, believe me, it was a very, very informative and educational experience and very helpful to the committee.

I am glad to yield to the gentleman from Montana such time as he may consume.

Mr. WILLIAMS of Montana. Mr. Speaker, I thank the chairman of the subcommittee for both yielding and

accepting our invitation to visit the Glacier National Park.

As the chairman knows, many months ago I was approached by folks in Montana who were deeply concerned about the timetable being mandated by the Park Service for the implementation of the OMB contracting circular, A-76. Although OMB set the implementation date for several years ahead, Interior adopted an accelerated schedule more ambitious than the OMB circular. These folks described incredible pressure coming from Washington to identify jobs for possible contracts and under deadlines that offered no time to adequately study those jobs. My constituents raised a battery of questions and I promised to come back to Congress and get answers for those questions.

I believe it will be enlightening for my colleagues if I go through some of what has happened already on this issue and, hopefully, illustrate what brings us to this juncture today.

The House has already passed two amendments affecting A-76. One of those was in the fiscal year 1984 supplemental and the other was in the fiscal year 1985 appropriations bill. The fiscal year 1984 amendment was simply an attempt to slow the A-76 process until Congress had a chance to examine what was happening. Because the amendment allowed the process to go forward but asked for congressional review, the Department used that language to move the process even faster than they were currently proceeding. Thus, many members of the House Interior Committee and other concerned Members, including myself, individually went downtown to see Secretary Clark and ask that he bring reason to this process.

I should emphasize here that I support contracting out Government functions where there is increased cost efficiency. Most Members with whom I've spoken support reasonable efforts to contract out Government work. With this thought in mind, I went to see Secretary Clark and review what might be done to slow this process. To the Secretary's credit, he assured me that he was reviewing the bids and that he would not contract out any function that hurt the Park Service; 2 days after that meeting, the Secretary's own employees testified before the House Public Lands Subcommittee. They informed us that it was their belief that once bids were solicited by the Government, if the private sector provided the low bid, the Government would not be able to stop these contracts from being awarded. This meant that in spite of Secretary Clark's good intentions by the time the contracts were in his hands it may already be too late. Shortly after the subcommittee hearing, the management of Glacier National Park, which is in my district, submitted a counterproposal that was designed to protect the national parks from contracting core park functions which were statutorially mandated by Congress. This was a good proposal, and would have solved many of the inbred problems in the A-76 process. That proposal was rejected out of hand and the employees of Glacier were rewarded for their diligence with a new ultimatum to complete the bid analysis before September 1.

I raise these events for only one purpose—to illustrate how insistently this administration has turned back any attempt to bring reason to this program. There are legitimate questions that have been raised, but the only answer forthcoming from the administration was to accelerate the timetables for implementation. This prompted myself and Congressman CHENEY to introduce H.R. 6055, which served as the basis for the language contained in S. 864. This administration has left us no alternative but a complete moratorium on A-76 studies and bids in the three agencies addressed here today.

I am submitting for the record a list of questions first submitted to Interior almost 6 months ago. To my knowledge, they have never been answered. Everything points to the fact that this is a political process geared by this administration's philosophical bias against Government employees.

The Congress has already had to intervene in the assets management program which was this administration's attempt to privatize Government land. We spent millions of dollars and diverted untold man-hours and never sold one parcel of land. Now we have spent millions of dollars and countless man-hours in a study process that has not produced even $1 of savings. It seems clear that this administration does not care how much we spend, nor how much internal employee cost we incur for the furtherance of its drive to put Government jobs in the hands of private corporations. I strongly urge the Members of the House to support this bill and help bring some reason back to this Government's policies of contracting out in resource agencies.

QUESTIONS ON A-76

First, in parks and refuges with large amounts of back country, often the only contact the public has is with park trail crews who must perform a public relations function as well as clear trail. This dual assignment is not easily defined and therefore not easy to contract.

Second, many parks and refuges have in the past had an active association with YCC and YACC programs, with much of the work being performed on trails. With trail and other such work contracted out, how could these programs continue to be integrated into the parks' work program, what problems would be posed by the performance of the work by employees not supervised by the contractor, and would this lead to contract disputes over the full amount of work they should be assigned?

Third, the unrealistic deadlines placed on park and refuge managers to prepare work statements for contracting ensures serious problems in the future because the basis for which activities are contracted in one park may be used to contract that same activity throughout the entire park system, when such a blanket approach ignores the unique individual character and need of each unit in the system.

Fourth, the deadlines for the March 1984 contracting study have created misunderstandings between the NPS Washington office and each of the 10 regional offices. The result is total confusion about the preparations of work statements—integral to contracting—and about the types of activities that are being considered commercial, and thus subject to contracting. Because of the importance of these work statements, unrealistic deadlines will result in poorly written documents.

Fifth, park superintendents and refuge managers are under a great deal of pressure to contract jobs in order to meet recently established performance standards and thus receive acceptable ratings by their superiors necessary for career moves. If asked in confidence, however, many superintendents will express their professional concerns about the extent to which this program is being pushed on the NPS.

Sixth, basic mission activities that should be exempted by the A-76 guidelines because they are governmental in nature are not being exempted due to Interior's interpretation of the program. The guidelines define a Government function, which is exempted from contracting, as:

> A Government function is a function which is so intimately related to the public interest as to mandate performance by Government employees. These functions include those activities which require either the exercise of discretion in applying Government authority or the use of value judgment in making decisions for the Government. Services or products in support of Government mental functions, such as those listed in Attachment A, are commercial activities and are normally subject to this circular. Governmental functions normally fail into two categories:
>
> (1) The act of governing, i.e., the discretionary exercise of Government authority. Examples include criminal investigations, prosecutions, and other judicial functions; management of Government programs requiring value judgments, as in direction of the national defense; * * * regulation of the use of space, oceans, navigable rivers and other natural resources; * * *.

Seventh, Interior's misinterpretation of Government function compromises NPS's basic mission. Contracting for trail maintenance and preservation maintenance incorporates mission-ori-

ented work which should not be subject to contracting.

Eighth, this discretionary authority included in the guidelines was ignored by Secretary Watt. There is no indication of whether Secretary Clark is willing to reconsider Watt's decisions.

Ninth, if the A-76 program is fully implemented, there is likely to be a drastic change in the stewardship of the national parks. Over the last several years, the parks have been forced to manage on smaller budgets. The staff that remains, in most cases, exercises a certain degree of judgment regarding management of park resources, which is likely to disappear if career NPS employees are replaced by contractors.

Tenth, the integrity of our national parks and refuges is threatened by A-76, creating a mentality that profit should be the motive behind park management.

Eleventh, the question of accountability is very important. The Service was entrusted with the care of all resources and with the responsibility for ensuring a quality experience for the visiting public. How will accountability be affected if contracting represents the major portion of job responsibilities? If trail maintenance is selected for A-76 coverage, can there be any assurance of the expertise of nonpark professionals to enable them to properly perform this work without undue amounts of supervision? Sensitivity of workers in parks to the environment is extremely important. How can outside contractors, while possibly qualified to do the work for which they were hired, be proved to be qualified to operate in this sensitive environment?

Twelfth, the A-76 program promises efficiency. However, efficiency is not always the best approach, since some jobs require a laborious, time-consuming process in order to treat or repair delicate historic fabric. Will a contractor take the necessary time to do the job right? A contractor needs to make only one mistake to destroy original building fabric.

Thirteenth, most employees in work areas targeted for review are aware of the possibility that their jobs may be abolished and that this may result in their unemployment or in bumping other employees, possibly in other areas. What effect has this bleak employment outlook had on morale of affected employees?

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 864, but I would like to let my colleagues know that the administration does oppose the bill solely because of the amendment that was offered, I believe, by the gentleman from Montana.

The administration opposes the enactment of S. 864 solely because of the unrelated amendment added by the Committee on Interior and Insular Affairs to prohibit the employing of the Office of Management and Budget of A-76 guidelines for Federal contracting out.

I would suggest, Mr. Speaker, that this issue should have been studied a little closer because there are instances where I think contracting might be applicable, more likely in the more metropolitan areas than in the parks. But the gentleman from Montana is correct, the gentleman from Wyoming [Mr. CHENEY] voted with his amendment, the gentleman from Montana [Mr. MARLENEE] voted with his amendment; and other Members on my side of the aisle voted to accept the amendment to preclude the Interior Department from contracting A-76 park activities out.

The study, I think, though, would have given us some grounds really to, I think, basically prove in most cases the contracting would cost taxpayers more money than having the Park Service do this.

I say this because the gentleman from Ohio and I were speaking a moment ago that when you bid on the management of a park there is a lot of unknown factors that are in the operation of that park, such as just recently in Mount McKinley we had a tremendous mudslide and it stranded 640 people for a period of time, visitors, up in their years, the majority of them who do come to Mount McKinley. That area will now have to be cleaned up, straightened up, and the road repaired by the Park Service. A contractor cannot tell those things are going to happen.

So I would suggest the parks as we know them, Glacier Park, Yellowstone Park, all the major parks and, yes, even the large parks in Alaska that do have facilities within the park should not be contracted out.

But I think it is my duty to let my colleagues on this side of the aisle know that the administration does oppose it because of this amendment. But I would urge the House to see the wisdom to pass it in its present form.

Mr. Speaker, I yield back the balance of my time.

□ 1410

Mr. SEIBERLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the Senate bill, S. 864, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

The SPEAKER pro tempore (Mr. LEATH of Texas). Is there objection to the request of the gentleman from Ohio?

There was no objection.

COOS, LOWER UMPQUA, AND SIUSLAW RESTORATION ACT

Mr. WEAVER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5540) to provide for restoration of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, to institute for such tribe those Federal services provided to Indians who are recognized by the Federal Government and who receive such services because of Federal trust responsibility, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5540

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

SHORT TITLE

SECTION 1. That this Act may be cited as the "Coos, Lower Umpqua, and Siuslaw Restoration Act".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) "Tribe" means the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians;

(2) "Secretary" means the Secretary of the Interior or his authorized representative;

(3) "Interim Council" means the tribal council of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, which serves pursuant to section 5 of this Act; and

(4) "member" used with respect to the Tribe means a person enrolled on the membership roll of the Tribe provided for in section 4 of this Act.

EXTENSION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES

SEC. 3. (a) FEDERAL RECOGNITION.—Federal recognition is hereby extended to the Tribe, and its members shall be eligible for all Federal services and benefits furnished to federally recognized tribes. Notwithstanding any provision to the contrary in any law establishing such services and benefits, eligibility of the Tribe and its members for such Federal services and benefits shall become effective upon passage of this Act without regard to the existence of a reservation for the Tribe or the residence of the members of the Tribe on a reservation for such members who reside in the following counties of Oregon: Coos, Lane, Lincoln, Douglas, and Curry.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subscription (c) of this section, all rights and privileges of the Tribe and of members of the Tribe under any Federal treaty, Executive order, agreement or statute, or under any other authority, which were diminished or lost

under the Act of August 13, 1954 (25 U.S.C. 691, et seq.), are hereby restored and the provisions of that Act are inapplicable to the Tribe and to members of the Tribe upon passage of this Act.

(c) Hunting, fishing, or trapping rights not granted or restored. This Act shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, to any member of the Tribe, nor shall any presumption be created by this Act as to the existence or nonexistence of such rights.

(d) EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

MEMBERSHIP ROLLS

SEC. 4. (a) Opening; duty of interim council and tribal officials. The membership roll is declared open. The Interim Council and tribal officials under the Tribe's constitution and bylaws shall take such measures as will insure the continuing accuracy of the membership roll.

(b) CRITERIA FOR ENROLLMENT.—

(1) Until a tribal constitution and bylaws are adopted, a person shall be a member of the Tribe and his name shall be placed on the membership roll if the individual is living and if—

(a) that individual's name was listed on the Tribe's Census Roll of 1940;

(b) that individual was entitled to be listed on the Tribe's Census Roll of January 1, 1940 but was not so listed. Any person placed on the membership roll must be listed on the January 1, 1940 Census Roll of the Grand Ronde-Siletz Indian Agency of nonreservation Indians as Coos, Lower Umpqua, or Siuslaw, be a descendant of public domain allotee of Western Oregon who was a member of one of these three tribes.

(c) that individual is a direct lineal descendant of an individual, living or dead, identified by subparagraphs (a) or (b); and

(d) that individual or the lineal ancestor through whom he qualifies for membership under subparagraph (c) has never been an enrolled member of, or qualified for the payment of any money for the taking of land or otherwise through, any other Indian tribe, either federally recognized or acknowledged or not federally recognized or acknowledged.

(2) Until a tribal constitution and bylaws are adopted, a person shall be eligible for membership if the individual is living and meets the criteria established in subsections (b)(1)(a), (b) and (c) of this section. Such individual may submit an application for enrollment to the Interim Council for consideration and decision and the Interim Council shall place on the roll the name of all individuals who submitted an application and are meeting the criteria established under subsection (b)(1)(a), (b) and (c) of this section: Provided, That the Interim Council may reject the application of any person who is found to be a member or who is claiming membership in another Indian tribe. Nothing in this Act shall bar unsuccessful applicants for enrollment before the Interim Council from submitting an application for enrollment to the Tribe after the adoption of a tribal constitution and bylaws.

(3) After the adoption of a tribal constitution and bylaws, those documents shall govern membership in the Tribe.

(c) VERIFICATION OF ELIGIBILITY FOR ENROLLMENT; APPEAL; FINALITY OF DETERMINATION; POSSESSION OF ENROLLMENT RECORDS AND MATERIALS.—

(1) Prior to any election pursuant to section 6 of this Act, the Interim Council shall verify by tribal resolution the eligibility for enrollment and age of each member listed on the Tribe's membership roll, which resolution shall be forwarded to the Secretary.

(2) With regard to the exclusion of any name from the tribal membership roll, any member may appeal to the Secretary, who shall make a final determination of each such appeal within ninety days after an appeal has been filed with him. The determination of the Secretary with respect to such an appeal shall be final.

(d) FRANCHISEMENT.—A member who is eighteen years of age or older is entitled and eligible to be given notice of, attend, participate in, and vote at, general council meetings and to nominate candidates for, to run for any office in, and to vote in elections of members to the interim council and to other tribal councils.

INTERIM COUNCIL

SEC. 5. Until such time as a new tribal constitution and bylaws are adopted in accordance with section 6 of this Act, the Tribe shall be governed by an Interim Council, the membership of which shall consist of the members of the current council of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, Incorporated or such new members as may be elected in accordance with election procedures followed by the tribal corporate body prior to the enactment of this Act.

TRIBAL CONSTITUTION AND BYLAWS

SEC. 6. (a) ELECTION; TIME AND PROCEDURE.—Upon the written request of the Interim Council, the Secretary shall conduct an election by secret ballot, pursuant to section 16 of the Act of June 18, 1934 (25 U.S.C. 476), for the purpose of adopting a constitution and bylaws for the Tribe. The election shall be held after such written request and within sixty days after the Secretary has published in appropriate local media a certification copy of the Tribe's membership roll.

(b) PREELECTION DISTRIBUTION OF PROPOSED CONSTITUTION AND BYLAWS AND BRIEF IMPARTIAL DESCRIPTION; CONSULTATION BY INTERIM COUNCIL WITH MEMBERS OF TRIBE.—The Interim Council shall draft and distribute to each member described in section 4(d) of this Act, no later than thirty days before the election under subsection (a) of this section, a copy of the proposed constitution and bylaws of the Tribe, as proposed by the Interim Council, along with a brief, impartial description of the constitution and bylaws. The members of the Interim Council may freely consult with members of the Tribe, outside legal counsel and other consultants concerning the text and description of the constitution and bylaws, except that such consultation may not be carried on within fifty feet of the polling places on the date of the election.

(c) MAJORITY VOTE NECESSARY FOR ADOPTION OF CONSTITUTION AND BYLAWS.—In any election held pursuant to subsection (a) of this section, the vote of a majority of those actually voting shall be necessary and sufficient for the adoption of a tribal constitution and bylaws: Provided, That the total vote cast shall not be less than thirty percent of those entitled to vote.

(d) ELECTION OF TRIBAL OFFICIALS PROVIDED FOR IN CONSTITUTION AND BYLAWS; BALLOT REQUIREMENTS.—Not later than one hundred and twenty days after the tribe adopts a constitution and bylaws, the Interim Council shall conduct an election by secret ballot for the purpose of electing the individuals who will serve as tribal officials as provided in the tribal constitution and bylaws. For the purpose of this election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted.

RESERVATION

SEC. 7. (a) ESTABLISHMENT.—A reservation shall be established by this Act at no cost to the Federal Government.

(b) LEGAL DESCRIPTION.—So long as the lands are offered to the Federal Government free of purchase cost, the Secretary shall accept the following lands in trust for the tribe as a reservation:

(1) In Coos County, Oregon, a parcel containing 1.02 acres and described as parcel 3200 of section 106B of township 25 south, range 12 west, Willamette meridian.

(2) In Coos County, Oregon, a parcel described as lots 10-18, block 13, Empire Commercial tracts K73 2K 81, A. N. Foley Donation Land Claim Numbered 38, section 20 of township 25 south, range 13 west, Willamette meridian. The Secretary shall not accept this parcel into trust until ninety days after enactment of this Act. If before the end of the ninety day period, a person or entity other than the tribe files a lawsuit in a court of competent jurisdiction claiming an interest in such parcel or portion thereof, the Secretary shall not accept the parcel into trust until the final adjudication of this lawsuit. Nothing in this Act shall be construed to the prejudice of any parties to such lawsuit or be construed to prevent a court of competent jurisdiction from partitioning such parcel in the adjudication of such lawsuit. Notwithstanding any other provision of law, the United States District Court for the District of Oregon shall be deemed to have jurisdiction over any lawsuit filed to determine the rights to the above described parcel of land.

(3) In Curry County, Oregon, a parcel described as the southeast quarter of the southeast quarter of the southwest quarter of section 11 of township 32 south, range 15 west, Willamette meridian.

(c) The State of Oregon shall exercise criminal and civil jurisdiction over the reservation, and over the individuals on the reservation, in accordance with section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, respectively.

REGULATIONS

SEC. 8. The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Oregon [Mr. WEAVER] 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 Oregon [Mr. WEAVER].

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

Mr. Speaker, I am proud to bring before this House today H.R. 5540, a bill which I introduced that provides for restoration of Federal recognition to the Confederated Tribes of the

Coos, Lower Umpqua, and Siuslaw Indians.

The Confederated Tribes have a rich and well-documented history in southwestern Oregon. When the first white settlers came to Oregon, they negotiated a treaty with these and 25 other tribes in the area. Although the tribes signed the treaty in good faith in 1855, it was never ratified by the Senate.

Despite being relocated several times in the mid-19th century, the Confederated Tribes remained a cohesive social and political entity in the Coos Bay, OR, area.

In 1954, the Federal Government sought to terminate the Confederated Tribes along with 60 other tribes in western Oregon. Although some of these tribes did go on record as supporting termination, the Confederated Tribes vigorously opposed this infamous policy. In spite of their clear and expressed opposition, however, the Confederated Tribes were terminated in 1954.

H.R. 5540 would, after 30 years, correct this injustice by restoring Federal recognition to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. Although unrecognized tribes do have available to them a process through the Department of the Interior by which they can receive acknowledgment as an Indian tribe by the United States, terminated tribes, such as the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, are barred by the 1954 Termination Act from participating in this process.

Restoration of Federal recognition would make the Confederated Tribes eligible to receive the full range of Federal benefits that are available to other Indian tribes. The tribe is not asking for hunting or fishing rights. They simply seek restoration of Federal recognition and the right to participate in all Federal Indian programs.

In addition, the bill would establish a reservation of approximately 10 acres by offering three small parcels to the Federal Government free of purchase cost to be held in trust for the tribe. These parcels were trust lands prior to termination in 1954. I would emphasize that there will be no costs whatsoever to the Federal, State, or local governments associated with establishment of this reservation.

Finally, H.R. 5540 is supported by individuals and organizations throughout Oregon. Governor Atiyeh has endorsed the bill, as has the State Commission on Indian Services, and other Oregon tribes.

Mr. Speaker, the Committee on Interior and Insular Affairs held a hearing on H.R. 5540 on June 4, 1984. Witnesses from the Department of the Interior and the tribe, as well as an Indian historian testified. On June 26, several amendments were adopted by the full Interior Committee and the bill was reported without objection.

The first of these amendments simply sets forth the type of civil and criminal jurisdiction that will be applicable on the 10 acres that are to be taken into trust.

The second amendments clarifies the enrollment criteria for the period between enactment of this act and formal adoption of the new tribal constitution and bylaws. The amendment is intend to avoid any problems associated with dual enrollment.

The third amendment provides that the Secretary not take one of the parcels into trust until 90 days after enactment of the act. The amendment was made necessary because the committee was made aware that another tribe was claiming an interest in the land. The amendment protects the interests of the Government and of the parties claiming a right to a portion of this parcel.

Finally, several minor amendments were adopted at the suggestion of the Department of the Interior regarding the census roll that would be used to identify eligible members, and adoption of the tribal constitution.

Mr. Speaker, in light of the broad base of support for this legislation, it is my hope that H.R. 5540 will be speedily enacted into law by the Congress.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5540. The purpose of the bill is to restore Federal recognition and eligibility for Federal Indian services to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians of Oregon.

The three tribes' relationship with the United States was terminated by Congress in 1954 by one of several acts that terminated more than 60 Oregon tribes. Congress initiated the termination policy intending to improve the lot of Indian tribes by removing them from the supervision by the Bureau of Indian Affairs. Rather than realize the anticipated socioeconomic benefits of this policy, however, the Coos, Umpquas, and Siuslaws, like other terminated Indians, experienced steadily deteriorating conditions.

In 1970, President Nixon acknowledged the failure of the termination policy and declared a new policy of self-determination without termination. Since then, Congress has enacted a series of tribal restoration bills, including three that restored most of the terminated Indians of Oregon. Because the Confederated Tribes were terminated by act of Congress, they are not eligible for consideration for recognition by the Interior Department's Federal acknowledgment process [FAP], and require legislation for restoration.

In addition to restoring Federal recognition and eligibility for Indian programs to the approximately 600 members of the Confederated Tribes, H.R. 5540 provides for the establishment of a formal membership roll, and interim council, establishment of a tribal constitution and election of a tribal government. The bill does not restore any hunting or fishing rights, nor would it affect any property or contractual rights or obligations, including those for taxes already levied. The bill does not authorize any new appropriation. The costs of making the members of these three tribes eligible for Federal, Indian program services will be borne by existing program authority and funding.

H.R. 5540 provides for the Secretary to take into trust three tracts of land that would constitute the tribes' reservation. One parcel consists of 6.1 acres, upon which is a meeting hall where tribal business has been conducted since 1937. This land is held in private trust and is untaxed. Another parcel, which is undeveloped, consists of 1.02 acres in Coos County that is an historic fishing site. The third parcel is a 3-acre cemetery in Curry County that is also untaxed. Civil and criminal jurisdiction over these lands will remain with the State of region.

The committee held a hearing on H.R. 5540 on June 4, 1984, at which tribal witnesses and an historian expert in the history of western Oregon Indian tribes testified in strong support of the bill.

Interior Department witnesses testifying for the administration recommended deferral of action on grounds that there was conflicting information as to whether the tribes met Department criteria for Federal recognition. However, the committee is confident that the testimony and supporting documentation supplied at the hearing addresses the concerns expressed. Accordingly, we do not expect the administration to object to enactment of H.R. 5540.

Mr. Speaker, the American Indian Policy Review Commission, on which I served, documented the extensive adverse impacts of the termination policy on the tribes that were singled out to test it. Since 1970, successive administrations and Congresses have acted to mitigate the impacts of this failed policy by restoring terminated tribes their legal status as federally recognized tribes and with it a measure of pride and dignity as Indians. That is what H.R. 5540 would do, and I would urge my colleagues to support this effort.

Mr. Speaker, I yield back the balance of my time.

Mr. WEAVER. Mr. Speaker, thanking the gentleman from Alaska for his good work, let me say that I appreciate the work and cooperation of the

minority on this and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. WEAVER] that the House suspend the rules and pass the bill, H.R. 5540, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNITION OF CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA, INC.

Mr. SAM B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1199) to recognize the organization known as the Catholic War Veterans of the United States of America, Inc., as amended.

The Clerk read as follows:

H.R. 1199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) The Catholic War Veterans of the United States of America, Incorporated, organized and incorporated as a non-profit entity under the laws of the State of New York, is hereby recognized as such and is granted a Federal charter.

(b) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of New York.

POWERS

SEC. 2. The Catholic War Veterans of the United States of America, Incorporated (hereinafter referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(a) preserve, protect, and defend the Constitution of the United States and the laws of the several States;

(b) commemorate the wars, campaigns, and military actions of the United States in order to reflect profound respect, high honor, and great tribute on the glorious dead and the surviving veterans of those wars, campaigns, and actions and to give all Americans a greater understanding of and appreciation for the sacrifices of those who participated in them on behalf of all Americans;

(c) stimulate to the highest degree possible the interest of the entire Nation in the problems of veterans, their widows, and orphans;

(d) cooperate to the fullest extent and in a harmonious manner with all veterans' organizations in common projects designed to serve the interests of all veterans of all wars in which the United States of America has participated;

(e) collate, preserve, and encourage the study of historical episodes, chronicles, mementos, and events pertaining to the wars, campaigns, and military actions of the United States of America;

(f) inculcate an enduring love of country, a deep and abiding sense of patriotism, and a profound commitment to Americanism among all the people of the United States;

(g) encourage, among the youth of our Nation, respect for our national flag, anthem, and for the traditions of America;

(h) preserve the freedoms of all of the people, national peace, prosperity, tranquility, good will, the permanence of free institutions, and the defense of the United States;

(i) foster the association of veterans of the Catholic faith who have served in the Armed Forces of the United States;

(j) encourage morality in government, labor, management, economic, social, fraternal, and all other phases of American life;

(k) promote the realization that the family is the basic unit of society;

(l) increase our love, honor, service to God, and to our fellow man without regard to race, creed, color, or national origin; and

(m) function as a veterans' and patriotic organization as authorized by the laws of the State or States where it is incorporated.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the bylaws and constitution of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under the Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(60) Catholic War Veterans of the United States of America.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire.

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. SAM B. HALL, JR.] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SAM B. HALL, JR.].

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Catholic War Veterans of the United States of America, Inc., was founded on May 12, 1935, and was incorporated on July 19, 1935, in the State of New York as a nonprofit, nonpolitical Catholic war veterans organization of honorably discharged veterans. On July 25, 1940, the organization was recognized by the Veterans' Administration. The organization maintains its national headquarters in Washington, DC. Its purposes, as stated in its articles of incorporation, are to preserve, protect and defend the Constitution of the United States and the laws of the several States; to aid and assist veterans and their families; and to cooperate to the fullest extent and in a harmonious manner with all veterans organizations, in common projects designed to serve the interests of all veterans of all wars.

Its constitution further defines the guiding principles of the organization stating that they are to promote zeal and devotion to God: To promote a greater love, honor and service to our country—through a more vivid understanding of the Constitution of the United States—and through the active participation in the promotion of its ideals of life, liberty and the pursuit of happiness. To promote the realization that the family is the basic unit of society. To aid in the development of an enlightened, patriotic American youth. These objectives are encouraged without regard to race, creed or color.

The purpose of this legislation is merely to recognize an existing State-chartered organization. It does not expand any corporate rights or relieve any corporate responsibilities established by the State of New York charter. Moreover, this legislation specifically requires compliance with State laws governing the election of corporate officers and the responsibilities of the board of directors for the corporation. It also specifically requires compliance with State laws governing service of process.

In order to assure responsible and appropriate conduct on the part of the corporation, the legislation prohibits certain corporate acts and prohibits the loan or transfer of corporate assets to officers, members, or other persons—except for expenses—or the issuance of stock or the payment of dividends. The legislation further prohibits the corporation from claiming congressional approval or Federal Government authority for any of its activities. The legislation requires the corporation to keep certain records, to perform an annual audit, and to report to Congress annually. Should the corporation engage in any prohibited activity or fail to perform any of the requirements established by this legislation, or if the corporation fails to maintain tax-exempt status, the Federal charter granted by this legislation will expire automatically as a matter of law.

The Catholic War Veterans of the United States of America, Inc., is national in scope and its membership covers 21 States and the District of Columbia and totals 23,019 members. Its ladies auxiliary has a membership of 8,286 and this national membership includes 25 chapters and 325 posts, for an overall membership total of 31,305 members.

The Catholic War Veterans of the United States of America, Inc., functions solely for charitable, patriotic, and civic purposes—dedicated to providing services to the welfare of veterans, their wives, widows, and children, the youth of our Nation, senior citizens and the community. It has been a tax-exempt organization since March 5, 1945, and presently functions as a tax exempt organization under section 501(c)(4) under the IRS Code.

The testimony at the subcommittee hearing on the bill established that for almost 50 years the organization has been dedicated to working for the welfare of our hospitalized veterans, all across the country. The Catholic War Veterans of the United States of America, Inc., has rendered outstanding work in our Nation's Veterans' Administration medical centers and is presently rendering service in 65 Veterans' Administration medical centers and the 18 State veterans homes.

The committee favorably considered this bill on Wednesday, August 1, 1984, and recommends its enactment.

□ 1420

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey, the Honorable JOE MINISH, who is the author of this bill and who has done an outstanding bit of work in working with the subcommittee and with the Congress in seeing to it that this bill has reached the place where it is now.

Mr. MINISH. I want to thank the distinguished subcommittee chairman for the work he has done in subcommittee in bringing this bill to the floor for a vote, and also the minority Member of the committee, the gentleman from Ohio [Mr. KINDNESS].

Mr. Speaker, I rise in support of H.R. 1199. I am both pleased and proud that this measure is coming before the House for a vote. This bill, which I introduced in February 1983, gives recognition to the organization known as the Catholic War Veterans of the United States, by granting it a Federal charter.

Since its founding in 1935, the organization has served as a protector and promoter of human rights, freedom and patriotism. For almost 50 years, this veterans group has consistently served and shown its unselfish dedication to each and every hospitalized veteran in our Nation. It has been recognized by the Veterans' Administration for outstanding services rendered to hospitals everywhere. Under the VA's voluntary service program, the Catholic War Veterans' volunteers, in 1983, served 65 medical centers with nearly 2,000 volunteers, 60,000 hours of time and $111,000 in donations. Additionally, under the national welfare officers program, members donated to old age homes, private nursing homes and others, 26,000 hours by 20,000 volunteers to help 32,000 veterans while donating $148,000.

To the extent of this group's resources, it has participated in most of the veterans programs at the national level. It is a member of the President's Committee on Employment of the Handicapped, a matter of deep concern for this organization.

The group is national in scope. Membership covers 21 States and the District of Columbia. With its auxiliary membership the total is over 31,000 members.

In deciding the question of whether or not we should grant a Federal charter, we need to look at two things. The objectives of the organization and the record of performance.

As stated in their constitution, "the objectives and purpose of this organization is to promote zeal and devotion for God, for country and for home." Surely we can approve of these objectives.

The record of performance is outstanding. As has been noted, its service to veterans and the families of veterans has been unyielding. Surely we can approve of this record.

The dedicated service of the Catholic War Veterans should be duly recognized. Granting a Federal charter will give that recognition. I urge support for this measure.

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

Mr. Speaker, I am pleased to add my support to H.R. 1199, a bill which would grant a Federal charter to the Catholic War Veterans of the United States.

I think whenever we look at these charter bills, of course, we have to remember that we are coming to a point somewhere along the way where we are going to have to modify this practice. We are either going to have to get to a position where we can appropriately administer Federal charters or we are going to have to stop adding to the numbers of them.

In this case, though, we are talking about an organization that has been in existence for 50 years, has been serving veterans and has been serving the public interests for 50 years. I think, as has been very ably pointed out by the gentleman from Texas, the chair-

man of the subcommittee, the Catholic War Veterans organization has been of great service to our Nation's veterans.

There is one aspect of the granting of Federal charters the subcommittee has used as a guideline which has not been dealt with specifically up to this point and perhaps can be cleared up further before the measure is completely finished in the legislative process, and that is, it is ordinarily provided these days by guidelines of the subcommittee that membership in a corporation and the rights and privileges of members should be afforded on a completely nondiscriminatory basis. It is included in the purposes of this organization, however, that they would increase "our love, honor, service to God and to our fellowman without regard to race, creed, color or national origin." I think we were informed at the time of hearings that there would be no objection to whatever wording might be appropriate in the bylaws or constitution of the organization to clarify the point about membership on a nondiscriminatory basis. I think that is entirely appropriate because of the practice that has been established in Federal charters of assuring that membership would not be limited on a discriminatory basis. That, however, Mr. Speaker, should have, in my opinion, no bearing on the ability to move ahead with H.R. 1199 today, and I would strongly urge its approval.

I have no requests for time, Mr. Speaker, and I yield back the balance of my time if the gentleman from Texas has concluded his presentation.

Mr. SAM B. HALL, JR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

● Mr. ADDABBO. Mr. Speaker, H.R. 1199 needs the fullest support of my friends and colleagues in this House. It is legislation designed to extend a Federal charter to the Catholic War Veterans of the United States of America.

All of us in this House know that the end of a conflict is not the end of turmoil for the soldiers and countrymen and families that are attached to these men. For them, once the battle has ended often the difficulties begin when they must face reality without their loved ones, or with the scars of battle attached.

The Catholic War Veterans is an organization that has been around since 1935 with the intent to help veterans and their families, widows and orphans resume the best possible lives they can be afforded. Because they too have sacrificed as a result of their attachment to the service of this country.

In peacetime this organization plays an important role in integrating veterans into their communities and assisting families wherever necessary. In my home State and city of New York, the Catholic War Veterans charitable role is enormous. I am not only proud to affiliate myself with their cause, I fully encourage my colleagues to vote for this legislation which recognizes the commitment this organization has made to American veterans everywhere.●

● Mr. GILMAN. Mr. Speaker, it is with a great deal of pleasure that I rise in support of H.R. 1199, legislation that recognizes the Catholic War Veterans of the United States of America, Inc., and grants this fine organization a Federal charter. Legislation such as this gives Congress the opportunity to review and acknowledge the history and fine service of organizations that benefit both society as a whole and the veterans that served this country so that peace and freedom will endure for our future generations.

The Catholic War Veterans was founded in 1935 and was recognized by the Veterans' Administration in 1940. It is a nonprofit corporation under the laws of New York State and provides various services to our veterans, their families, and many others through numerous programs that instill pride in our country and promotes wholesome American values that built, maintain, and perpetuate our country.

The organization is nondiscriminatory and adheres to the principles of a deep love of God and concern for mankind. Over the decades, the organization has grown dramatically and now maintains a membership of 50,000 strong in 21 States plus the District of Columbia. They conduct charitable programs for the welfare and rehabilitation of veterans and their families in such areas as employment services and counseling. They also serve 65 Veterans' Administration hospitals and 18 veterans homes. Additionally, the organization conducts various activities that commemorate wars, campaigns, and military actions, stimulate interest in the problems of veterans and their families and encourage respect for our national flag and anthem. Their aims include upholding the traditions of America, preserving the freedom of all people, the fostering of national peace, prosperity, tranquility, good will and the defense of the United States. Also among their goals is the promotion of the realization that the family is the basic unit of society.

The Catholic War Veterans of the United States of America performs a multitude of services for both veterans and other members of society. It is therefore appropriate that we grant a Federal charter to this organization in recognition of their outstanding performance through the years. Whether it be giving advice to a veteran in need or providing a service to a sector of society that expresses an interest, the Catholic War Veterans give of themselves so that our society and country will prosper and grow.

This legislation requires that the organization adhere to all the rules and regulations for federally chartered corporations; failure to do so will result in the expiration of the charter. The committee having reported that this organization meets Federal charter criteria, I urge my colleagues to support H.R. 1199. It is important that we acknowledge the efforts of the Catholic War Veterans and encourage their continued service to our veterans and society so that many others may benefit from their diligent work.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SAM B. HALL, Jr.] that the House suspend the rules and pass the bill, H.R. 1199, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1145) to recognize the organization known as the Catholic War Veterans of the United States of America, Inc., and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1145

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

CHARTER

SECTION 1. The Catholic War Veterans of the United States of America, Incorporated, organized and incorporated under the laws of the State of New York, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The Catholic War Veterans of the United States of America, Incorporated, (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State of States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(a) preserve, protect, and defend the Constitution of the United States and the laws of the several States;

(b) commemorate the wars, campaigns, and military actions of the United States in order to reflect profound respect, high honor, and great tribute on the glorious dead and the surviving veterans of those wars, campaigns, and actions and to give all

Americans a greater understanding of and appreciation for the sacrifices of those who participated in them on behalf of all Americans;

(c) stimulate to the highest degree possible the interest of the entire Nation in the problems of veterans, their widows, and orphans;

(d) cooperate to the fullest extent and in a harmonious manner with all veterans' organizations in common projects designed to serve the interests of all veterans of all wars in which the United States of America has participated;

(e) collate, preserve, and encourage the study of historical episodes, chronicles, mementos, and events pertaining to the wars, campaigns, and military actions of the United States of America;

(f) inculcate an enduring love of country, a deep and abiding sense of patriotism, and a profound commitment to Americanism among all the people of the United States;

(g) encourage, among the youth of our Nation, respect for our national flag, anthem, and for the traditions of America;

(h) preserve the freedoms of all of the people, national peace, prosperity, tranquility, good will, the permanence of free institutions, and the defense of the United States;

(i) foster the association of veterans of the Catholic faith who have served in the Armed Forces of the United States;

(j) encourage morality in government, labor, management, economic, social, fraternal, and all other phases of American life;

(k) promote the realization that the family is the basic unit of society;

(l) increase our love, honor, service to God, and to our fellow man without regard to race, creed, color, or national origin; and

(m) function as a veterans' and patriotic organization as authorized by the laws of the State or States where it is incorporated.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(60) Catholic War Veterans of the United States of America, Incorporated.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

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

A similar House bill (H.R. 1199) was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

RECOGNITION OF THE JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA, INC.

Mr. SAM B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3775) to recognize the organization known as the Jewish War Veterans of the United States of America, Inc., as amended.

The Clerk read as follows:

H.R. 3775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Jewish War Veterans of the United States of America, Incorporated, organized and incorporated as a nonprofit entity under the laws of the State of New York, is hereby recognized as such and is granted a Federal charter.

(b) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of New York.

POWERS

SEC. 2. The Jewish War Veterans of the United States of America, Incorporated (hereinafter referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed on the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(1) maintain true allegiance to the United States of America;

(2) foster and perpetuate true Americanism;

(3) combat whatever tends to impair the efficiency and permanency of our free institutions;

(4) uphold the fair name of the Jew and fight his battles wherever unjustly assailed;

(5) encourage the doctrine of universal liberty, equal rights and full justice to all men;

(6) combat the powers of bigotry and darkness wherever originating and whatever the target;

(7) preserve the spirit of comradeship by mutual helpfulness to comrades and their families;

(8) cooperate with and support existing educational institutions and establish educational institutions, and foster the education of ex-servicemen and ex-servicewomen and members of the corporation in the ideals and principles of Americanism;

(9) instill love of country and flag and to promote sound minds and bodies in members of the corporation and their youth; and

(10) preserve the memories and records of patriotic service performed by the men and women of the Jewish faith and to honor their memory and shield from neglect the graves of our heroic dead.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the bylaws and constitution of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under the Federal law," approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(62) Jewish War Veterans of the United States of America.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. SAM B. HALL, JR.] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SAM B. HALL, JR.].

□ 1430

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill H.R. 3775 will grant Federal recognition to the Jewish War Veterans of the United States of America, Inc.

The organization was originally organized on March 15, 1897, when 78 Jewish Veterans of the Union Army gathered together and formed themselves into an organization they then called the Hebrew Union Veterans, the original name of the Jewish War Veterans of the USA. The Hebrew Union Veterans pledged to maintain their true allegiance to the United States of America; to combat the powers of bigotry wherever originating and whatever their target; and to assist such comrades and their families as might stand in need of help. Another parent organization was organized after the Spanish-American War. The veterans of that war formed an organization originally called the Junior Hebrew War Veterans, subsequently renamed the Hebrew Veterans of the War with Spain. As World War I approached, these two groups merged. This proud record of service continued through the Korean war, the Vietnam war, and other recent conflicts around the world. Increasing in numbers after World War I, the veterans organization changed its name to the Jewish War Veterans of the Wars of the Republic on September 23, 1924, and was incorporated as a not-for-profit corporation in the State of New York, on September 26, 1924. On December 2, 1925, the organization was officially recognized by the Veterans Administration as a veterans service organization. On April 20, 1929, the name was officially changed to the Jewish War Veterans of the United States of America. It is a section 501(c)(4) tax-exempt organization under IRS rulings.

The purpose of this legislation is merely to recognize an existing State-chartered organization. It does not expand any corporate rights or relieve any corporate responsibilities established by the State of New York charter. Moreover, this legislation specifically requires compliance with State laws governing the election of corporate officers and the responsibilities of the board of directors for the corporation. It also specifically requires compliance with State laws governing service of process.

In order to assure responsible and appropriate conduct on the part of the corporation, the legislation prohibits certain corporate acts and establishes certain requirements for the corporation. The legislation prohibits the loan of transfer of corporate assets to officers, members, or other persons, except for expenses, or the issuance of stock or the payment of dividends. The legislation further prohibits the corporation from claiming congressional approval or Federal Government authority for any of its activities. The legislation requires the corporation to keep certain records, to perform an annual audit, and to report to Congress annually. Should the corporation engage in any prohibited activity or fail to perform any of the requirements established by this legislation, or if the corporation fails to maintain its tax-exempt status, the Federal charter granted by this legislation will expire automatically as a matter of law.

The Committee on the Judiciary favorably considered this bill on August 1, 1984, and recommends its enactment.

I urge my colleagues to support this bill to recognize the longstanding serv-

ice of the Jewish War Veterans of the United States of America, inc.

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

Mr. Speaker, I rise in support of H.R. 3775, a bill to grant a Federal Charter to the Jewish War Veterans of the United States. Again, of course, I think it is necessary for us to remember that we do not have the facilities, the administrative capability, the personnel, or the means with which to assure compliance with any of the terms of the charter provisions of these or other federally chartered organizations. The number is growing larger and larger.

The Federal charter affords to an organization a certain amount of additional credibility, recognition, what have you. I think it is undeniable that it tends to help organizations to more readily attract membership and perhaps raise funds for that matter, even though no representation is made about any particular relationship to the Federal Government or any particular references made to the granting of the Federal charter or what it means.

Despite that, Mr. Speaker, I do feel that this organization is an organization which is worthy of a Federal charter. It has served for a long time; many, many years as has been pointed out by the chairman of the subcommittee, the gentleman from Texas [Mr. HALL] in support of the purposes set forth in its charter, and it is indeed an older organization than the one with which we have just dealt, the Catholic War Veterans group.

It was incorporated in September 1924 in the State of New York, but long before that had its origins arising out of the Civil War. Here again, Mr. Speaker, regrettably, we do not have the clarification of the point about membership, which I mention in relation to the previous bill where it has been the practice of the subcommittee in recent years to require that the charter provisions contain an indication that membership would be on a nondiscriminatory basis.

This bill provides, as does the previous one, that eligibility for membership in the corporation and the rights and privileges of membership shall, except as provided in this act, be as provided in the bylaws and the constitution of the corporation. Well, of course, as we can readily see, that affords them ample opportunity for the bylaws or constitution of the organization to provide for membership on a nondiscriminatory basis.

I would hope that before the process is completed in the case of both of these bills, and both of these organizations, that that nondiscriminatory membership would be clarified in the documentation of these organizations. It does not necessarily have to be in the legislation. I would think, however, that the principle that the subcommittee has adhered to in the past should be adhered to in these two cases and in future cases if a Federal charter is to be granted.

With that, Mr. Speaker, having no requests for time, if the gentleman from Texas has completed his speakers, I would yield back the balance of my time.

Mr. SAM B. HALL, JR. Mr. Speaker, I want to take this time to thank the distinguished gentleman from Ohio [Mr. KINDNESS] for this untiring work in not only the bill that we have before us at this time, but the preceding bill also. He has worked diligently with the subcommittee, and I appreciate him very much as a member of this subcommittee and as a person in his own right. I thank him very much for his help.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

● Mr. ADDABBO. Mr. Speaker, I am proud to rise in support of H.R. 3775, legislation to grant a Federal charter to the Jewish War Veterans of the United States of America.

Since 1896, the Jewish War Veterans have assumed the tremendous responsibility of assisting veterans and families, widows, and orphans to resume normal lives after America has been engaged at war. This organization plays an enormous role in my home State and city of New York.

Jewish men and women have served our country as proud Americans. Members of the Jewish War Veterans Association should be regarded with the highest degree of respect, because these veterans not only gave of themselves during conflicts, but continue to assist and help their fellow man adjust to life after the conflict has ended.

We all know that wartime casualties inflict terrible pain and hardship on the remaining survivors. For this reason, when we see an organization so devoted to good will and community needs, we must do everything within our power to help this organization. This legislation today, will officially recognize the achievements of the Jewish War Veterans and for this reason I ask my colleagues for their fullest support.●

● Mr. GILMAN. Mr. Speaker, I rise to add my support to an important piece of legislation before this House today. H.R. 3775 recognizes the Jewish War Veterans of the United States of American, Inc., and confers upon that distinguished organization a Federal charter. This action allows Congress to acknowledge and praise the efforts of the Jewish War Veterans and similar organizations, such as the one previously dealt with, and illustrates continued support and encouragement for their endeavors.

The Jewish War Veterans were founded in 1896 to refute claims that Jewish-Americans had not fought in the Civil War. Since its inception, the organization has enjoyed continued growth and activity and is proud of its 150,000 members and 500 local groups nationwide. Additionally, the Jewish War Veterans was incorporated in New York State as a nonprofit organization in 1924 and was recognized by the Veterans' Administration in 1925.

Through its many services the Jewish War Veterans maintains 11 veterans services offices across the Nation to aid all veterans and places volunteers in Veterans' Administration hospitals. It also prides itself as being the first veterans organization to provide volunteer services for the Vietnam Veterans Outreach Program.

In addition to its services, the organization seeks to promote the wholesome values that built and maintain our country so that many future generations will benefit from the principles and actions of democracy exhibited by the United States. It seeks to foster true allegiance to the United States, combat bigotry and prevent defamation of Jews, encourage the doctrine of universal liberty, equal rights and full justice for all, cooperate with and support existing educational institutions, and establish new ones and foster the education of ex-servicemen, ex-servicewomen, and members in the ideals and principles of Americanism.

Thousands of Jewish-Americans have fought for our Nation in the past and it is our hope that they will continue their fine service. It is also our hope that the Jewish War Veterans will continue their service to our many veterans and their families through their various programs and services. It is of crucial importance that these veterans are cared for and assisted after the horrors of military action because, as everyone should know, these horrors do not end with the termination of gunfire and shelling. They may and do continue for many years afterward manifested in medical or psychological problems or similar impairments.

Through the passage of this legislation which requires the Jewish War Veterans to adhere to all the rules and regulations for federally chartered corporations, Congress will acknowledge the efforts of this organization and similar ones so that their continued services will endure and future generations will reap their benefits. Accordingly, I urge my colleagues to join me in passage of this measure.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SAM B. HALL, JR.] that the House suspend the rules and pass the bill, H.R. 3775, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1806) to recognize the organization known as the Jewish War Veterans of the United States of America, Inc., and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Jewish War Veterans of the United States of America, Incorporated, organized and incorporated as a non-profit entity under the laws of the State of New York, is hereby recognized as such and is granted a Federal charter.

(b) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of New York.

POWERS

SEC. 2. The Jewish War Veterans of the United States of America, Incorporated (hereinafter referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(1) maintain true allegiance to the United States of America;

(2) foster and perpetuate true Americanism;

(3) combat whatever tends to impair the efficiency and permanency of our free institutions;

(4) uphold the fair name of the Jew and fight his battles wherever unjustly assailed;

(5) encourage the doctrine of universal liberty, equal rights and full justice to all men;

(6) combat the powers of bigotry and darkness wherever originating and whatever the target;

(7) preserve the spirit of comradeship by mutual helpfulness to comrades and their families;

(8) cooperate with and support existing educational institutions and establish educational institutions, and foster the education of ex-servicemen and ex-servicewomen and members of the corporation in the ideals and principles of Americanism;

(9) instill love of country and flag and to promote sound minds and bodies in members of the corporation and their youth; and

(10) preserve the memories and records of patriotic service performed by the men and women of the Jewish faith and to honor their memory and shield from neglect the graves of our heroic dead.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the bylaws and constitution of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office and record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OR FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under the Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(63) Jewish War Veterans of the United States of America.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.

MOTION OFFERED BY MR. SAM B. HALL, JR.

Mr. SAM B. HALL, JR. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SAM B. HALL, JR. moves to strike out all after the enacting clause of the Senate bill, S. 1806 and to insert in lieu thereof the provisions contained in H.R. 3775, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to recognize an organization known as the Jewish War Veterans of the United States of America, Incorporated."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3775) was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

□ 1440

LOCAL GOVERNMENT ANTITRUST ACT OF 1984

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6027) to clarify the application of the Federal antitrust laws

to the official conduct of local governments, as amended.

The Clerk read as follows:

H.R. 6027

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 "Local Government Antitrust Act of 1984".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "local government" means a city, county, parish, town, township, village, school district, sanitary district, or any other general or special purpose political subdivision of one or more States,

(2) the term "official conduct of a local government" means any action or inaction of a local government, or its officials, employees, or agents, that such local government, officials, employees, or agents could reasonably have construed to be within the legislative, regulatory, executive, administrative, or judicial authority of such local government.

(3) the term "person" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), and

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

LIMITATION ON MONETARY RELIEF

SEC. 3. (a) Neither the United States nor any person or State may recover monetary relief for any claim under section 4, 4A, or 4C of the Clayton Act (15 U.S.C. 15, 15a, 15c) if—

(1) the claim is against a local government, or its officials, employees, or agents, and results from official conduct of a local government, or

(2) the claim is against a person and results from conduct expressly required by a local government.

(b) Subsection (a) shall not apply to and shall not be construed to affect the cost of suit, including a reasonable attorney's fee, with respect to any claim under the Clayton Act filed before July 1, 1984.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

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

Mr. Speaker, this legislation addresses an immediate concern of local governments throughout this country. That is a concern that the decisions of governance, made by thousands of local officials on a daily basis, are being undercut by the of private antitrust suits.

Our first antitrust law was enacted in 1890 without any record discussion of whether it should be applied to the conduct of State or local governments. During the first 50 years of antitrust enforcement, there were few, if any, antitrust cases that involved the conduct of local governments. There was, in short, no reason for Congress to address this issue.

All of this has changed with the gradual expansion of activities by local governments, the expansion of "litigatory" fever, and in the last few years, with decisions of the Supreme Court that have declined to extend the antitrust immunity for States, known as the "State action" doctrine, to conduct of local governments. In both the City of Lafayette case in 1978 and the City of Boulder case in 1982, the Court declined to apply State action immunity to the challenged conduct.

The committee record documents a rapid increase in the number of antitrust claims brought against local governments in recent years. Most of these claims are brought by private persons, seeking treble damage recoveries under section 4 of the Clayton Act. In one case now on appeal, a county and township of Illinois are the subject of a $28.5 million verdict that threatens these governments with financial ruin, or their taxpayers, as the case may be.

The adverse effects of antitrust litigation, of course, go beyond such substantial verdicts. Most of the antitrust suits filed against cities have been, and probably would continue to be, unsuccessful on the merits. But the high cost of litigation, alone, can force a municipality into an undesired settlement. And the mere threat of an antitrust suit can divert elected officials from a course of action they believe would best serve the public interest.

The Committee on the Judiciary also heard testimony from those who cautioned against overreaction. Although few witnesses defended the principle of treble or punitive damages assessed against local governments a number of experts expressed concern that local governments not be invited to circumvent or undercut the national policy favoring competition, particularly when the government's action served no legitimate governmental function. This concern is particularly strong when actions of nongovernmental parties are in question. Many of the Supreme Court cases interpreting the "State action" doctrine involved attempts by private groups to cloak their anticompetitive conduct with State action immunity.

H.R. 6027 was crafted with any eye to balancing these occasionally conflicting concerns. It will eliminate damage suits under section 4, section 4A, and section 4C of the Clayton Act brought against local governments or their officials and claiming injury based on "official conduct" of a local government. It extends the same protection to third parties, but only if the challenged conduct is "expressly required" by a local government.

H.R. 6027 does not cut off an injured party's right to seek an injunction under section 16 of the Clayton Act, nor his right to obtain a reasonable attorney's fee should he establish an antitrust violation. The bill also does not affect federal enforcement actions taken by the Department of Justice or the Federal Trade Commission.

Finally, H.R. 6027 does not affect in any way the Supreme Court's application of State action immunity to the States or their agencies. Indeed, the substantive antitrust laws applicable to local governments will remain the same, except to the extent damage actions under the Clayton Act are eliminated.

The Senate Judiciary Committee has approved a proposal very similar to H.R. 6027, so the prospects for enactment of legislation this session are good. This legislation is needed. We must act now to free our local government officials of the burden of antitrust damage suits so that they may govern in the public interest.

The Senate Judiciary Committee has approved a proposal very similar to H.R. 6027, so the prospects for enactment of the legislation this session are good. This legislation is needed. We must act now to free our local government officials of the burden of antitrust damage suits so that they may govern in the public interest.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. ERLENBORN].

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

Mr. Speaker, I would like to direct some questions to the manager of the bill, if he would be kind enough to reply.

Mr. SEIBERLING. Certainly.

Mr. ERLENBORN. Let me verify the timetable as to how this bill was introduced and considered by the committee and how it gets to the floor today, and let me first say that I do not serve on the committee. I happen to be a Representative from the State of Illinois. I do not represent either the plaintiff in the lawsuit, the judgment the gentleman referred to, nor do I represent the community against which the verdict was rendered, but the gentleman, Mr. William Alter, happens to be an acquaintance.

As I understand, if the gentleman would be kind enough to answer, the bill as introduced, and I have learned this only this morning, or early this afternoon, would have reduced damages for suits filed prior to July 1, 1984, to single damages rather than treble damages, plus interest and rea-

sonable attorneys' fees and court costs.

Is that correct?

Mr. SEIBERLING. If the gentleman will yield, there were several bills introduced, six altogether, and that is correct. Some of the bills would have accomplished that purpose.

Mr. ERLENBORN. I am looking at H.R. 6027, the bill that was scheduled today. The copy of the bill as I find it on the floor for the consideration of the Members today is in that form, where single damages were allowed.

Mr. SEIBERLING. That is correct. That was the original bill.

Mr. ERLENBORN. As I understand it, the bill that the gentleman has moved is this bill, with an amendment that would change that retroactive features, and instead of reducing damages to single damages would remove the right of one to collect damages, even in a suit that had gone to verdict.

Mr. SEIBERLING. If the gentleman will yield further, the gentleman from Illinois [Mr. HYDE] offered a bill substantially identical to the one now before us in the subcommittee. The subcommittee rejected that approach and went ahead with the bill as described by the gentleman from Illinois [Mr. ERLENBORN]. However, the Committee on the Judiciary, when the full committee met, reversed the subcommittee and approved the amendment offered by Mr. HYDE, which is the bill now before us.

Mr. ERLENBORN. Again, I have been given to understand that the bill, H.R. 6027, has not actually been reported by the Committee on the Judiciary and we have, instead, the bill, although the committee has taken action and not reported it, the bill in its initial form, and included in the motion to suspend the rules is a request for the adoption of an amendment that would equate to the action that the committee took last week.

□ 1450

Mr. SEIBERLING. Yes. Mr. Speaker, if the gentleman will yield, the committee ordered the bill reported in the form in which it has been offered before us today.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman.

Let me just make this observation, Mr. Speaker: It has been difficult for this Member, one who took an interest in this problem, to find out the actual condition of this bill. We have before us an unreported bill and a motion to pass that bill with an amendment. That amendment makes a very substantial change in that it would make the bill retroactive in its effect of removing the right to collect damages from a city or city officials under the antitrust act.

Now, with the bill in this form coming before this House, I find it incredible to believe that any of the Members who will be asked to vote on this bill really had an opportunity to know the condition of the bill under the motion offered by the gentleman with this substantial amendment when no notice really has been given. We see H.R. 6027 listed under suspension, and then the motion is to amend it and substantially change its effect.

I do not know the equities. I can understand the problems associated with the extension of antitrust liability to cities and to city officials. I personally believe that there may be some circumstances where they might have engaged in actions intending to hurt someone and they could hide behind this immunity. I do not know if that is true.

It may also be that if we do not adopt some legislation in the future, they may not be able to hide behind immunity or to live behind immunity and they do need this sort of relief. What I do believe is that it is somewhat unfair to the party involved here, this gentleman to whom I refer, William Alter, who last week had a verdict of the court after a lot of time and expense of $28.5 million, and if the legislation is adopted in the form of the motion offered by the gentleman, with the amendment to make it retroactive, his judgment would be wiped out.

Mr. Speaker, I hope the Members would not adopt the bill under those circumstances, and I will look for a recorded vote on its passage.

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

Mr. ERLENBORN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, a plaintiff with a valid action could still recover his expenses and his attorney fees even though he could not recover the damages against the municipality as this bill is written. So that much of his expenses is not affected by this legislation.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for that observation.

Let me say that the bill in its initial form reduced below $10 million the amount of his recovery because it changed it from treble damages to initial damages, and that seemed to be fairly harsh in its initial form. Now the bill, with the amendment, will wipe out his right to recover except fees. His damages will be wiped out entirely.

Under this procedure, with an unreported bill and an amendment that makes a substantial change, I do not think it is fair to do that. I think we ought to slow this process down.

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

Mr. ERLENBORN. If I have any time left, I will be happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, the plaintiff in question was awarded the same amount of single damages under the civil rights law as he was under the antitrust laws, so he can still proceed to collect on that claim if he is upheld through the appellate procedure.

Mr. ERLENBORN. Mr. Speaker, I do not know anything about that. I just think that this bill coming up under these circumstances is moving a bit too fast for Members really to know what it is they are being asked to do.

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

Mr. Speaker, from time to time we are told that a particular action should be taken by the Congress because it is in the best interest of good government to do so. In my opinion, this is such a bill.

H.R. 6027 lowers the window of antitrust vulnerability which has been wide open for municipalities since the Supreme Court decisions in city of Lafayette, Mid-Cal, and Boulder. Those cases ended the assumption that the State action doctrine enunciated in 1943 in Parker against Brown, a case which arose in my own State of California, extended to local government. Litigants have come pouring into the courts to take advantage of this new state of affairs. At the latest count, over 300 cases are pending against local units of government. These serve to jeopardize the traditional exercise of municipal authority in many, many areas in which public policy necessarily has an impact on private interests.

It became clear in our hearings in the Monopolies Subcommittee that in order to ensure the proper functioning of local government in the wake of the Boulder decision we must provide antitrust protection for official conduct which takes place every day at the local government level—the granting of licenses and franchises, the zoning decisions and similar activities. Official conduct is that which local officials could reasonably have construed to be within their legislative, regulatory, executive, administrative, or judicial authority. It would not include price fixing or other activity clearly inconsistent with the governmental function.

The process of hearings and markup in our committee has extended far back in this Congress, but we have ultimately developed a sound bill and one which has much in common with the approach taken in the other body. Neither the House nor the Senate bill makes any substantive change in the antitrust laws. Both of them take what has been called a remedies approach. Both provide local government with immunity from damages. And both preserve the injunctive

remedy. There are a few differences which will have to be worked out, but they are hardly insurmountable.

Mr. Speaker, we make many, many demands on our local governments. They must be able to respond to these demands fully, fairly, and without fear of totally unmerited antitrust liability. In the view of many persons, H.R. 6027 is not only a good government bill, it is a save government bill. It should be enacted into law.

Mr. Speaker, in view of the conversations that have gone on before, I want to point out that this bill is exactly the same bill that was reported out of the full Judiciary Committee. Although there has not been time for a committee report, this is the same bill we reported out of committee. The Hyde amendment that was adopted in the full committee is not a new amendment. It is also one that was considered at length in the subcommittee, and any Member who was following the legislation would be fully informed about the contents of this bill.

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

The gentleman from Illinois [Mr. ERLENBORN] raised some important questions, and I think they deserve to be addressed.

The Supreme Court by a couple of strokes of the pen changed what everybody had thought for 50 years was the law with respect to the antitrust status of local governments. How on Earth are we going to get citizens to serve on local zoning boards, local planning commissions, and local city and village councils if they are going to be threatened with the possibility of treble damage actions every time they make a decision that affects someone's economic rights?

Every time a zoning case is decided and it is decided that someone can or cannot get a zoning variance, or every time a zoning plan is adopted by a community, someone's trade is affected. I submit that if this line of cases that the Supreme Court has decided—it is actually only two cases—should stand, local zoning and planning and land use planning is going to be at an end.

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

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

Mr. ERLENBORN. Mr. Speaker, let me just say to the gentleman that I can see a great deal of force behind the gentleman's argument, and it is not to that basic purpose of the bill that I address my comments, as the gentleman knows, but, rather, to the retroactive feature of the bill.

Let me reiterate that from what we have heard so far, the retroactive amendment was rejected by the subcommittee, and it was, I am advised, adopted by the full committee by a fairly close vote of 17 to 14. That action was taken, I believe, last Thursday. We were not in session on Friday, and here on Monday we find the bill with a controversial amendment up under suspension.

It is that procedure, rather than the substance the gentleman is addressing, that I would like the House to consider when we vote not to suspend the rules, and then maybe we can have a little more time when the bill can be brought out under normal procedures.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SEIBERLING. Mr. Speaker, I think the gentleman is entitled to raise that question, and I do not quarrel with it.

Let me simply say that my point, however, was that the Supreme Court did not consider that when they submitted every single local official in the country retroactively to possible treble damage actions for every decision that they had made within the period of the statute of limitations, which I believe is 4 years, that affected somebody's business interests, or his right to get a sewer line extended so he could develop his property, or something like that.

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This is an impossible situation. Sitting in their ivory tower, the Justices know very little about the practicalities of local government out in the village and county and municipal level.

Let me just read something into the record. In his distinguished work on municipal corporations, Professor McQuillan has attempted to formulate the essential difference between public and private action, and I am going to quote:

> A municipal corporation is a public institution created to promote public, as distinguished from private, objects. . . . What is a public use or purpose has given rise to much judicial consideration, and courts, as a rule, have attempted no judicial definition of a public as distinguished from a private purpose but have left each case to be determined by its own peculiar circumstances. The modern trend of the decisions is to extend the class of public uses or purposes in considering the municipal activities sought to be included therein. The fact that other purposes will also be served does not invalidate the exercise of a power conferred on a municipality even if such other purposes alone would not have justified the exercise of power.

The reason I read this quote into the record simply is to say that as our society has gotten more complicated and more urbanized. Land use planning and activities of cities have become extremely important to their future well-being.

The Supreme Court's decision retroactively threw a cloud over the whole field of municipal government and local government. It is true that they said, well, the States can apply the exemptions to local governments that the States enjoy if they see fit, but they have to monitor each case and monitor it on an annual basis and they created an administratively impossible, unworkable, and unsatisfactory situation.

So I merely submit that this is a very much needed and an obvious remedy and all it does is return the law to the status that it had before the Supreme Court decision in the Boulder case 4 years ago.

I do not feel any great injustice is being done. Injunctions are still authorized by this bill where a true case could be made that there was an antitrust violation. The Justice Department and the Federal Trade Commission still retain all their powers.

Furthermore, any client that has already incurred the expense of filing a case and moving it along can recover his expenses and his attorney fees if he has a valid case.

The question of whether the committee should be taking this up at this hour I simply say is not a question that I think needs any great concern. Everyone who is interested in this field knows what the Judiciary Committee did, knows what the issues were before the subcommittee and I do not think anybody is being taken by surprise.

Mr. MOORHEAD. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PHILIP M. CRANE].

Mr. PHILIP M. CRANE. Mr. Speaker, I rise in strong support of H.R. 6027, the Local Government Antitrust Act of 1984, to clarify the application of Federal antritrust laws and the impact they have had on local governments.

Since talking to local government officials as a followup to the Boulder decision, it has struck me that all local governments, and this cuts across all party lines, have been put in a unique and peculiar kind of jeopardy that has no precedent.

A legislative remedy such as H.R. 6027 is necessary to address situations facing local governments as a result of such decisions by our Federal courts. This bill limits antitrust actions against localities to suits for injunctive relief, rather than for money damages.

I commend the work of the Judiciary Committee for adopting the Hyde amendment applying protection to all current cases that are filed and pending. Prior to this, H.R. 6027 would have protected these local governments which became defendants in antitrust actions after July 1, 1984.

Without the Hyde amendment and passage of H.R. 6027, many local governments, including the one that has come under discussion today, which is in my district, will be facing severe antitrust damages. On May 30 of this year, Mr. Fred Foreman, our distin-

guished Lake County State's attorney, testified before the House Judiciary Committee regarding this particular antitrust case in my district; namely, Unity Ventures versus the County of Lake. This case is typical of the problems faced by numerous municipalities nationwide.

In essence, the plaintiff alleged that he had been unlawfully denied access to public sewer service and had thereby been prevented from developing a 600-acre tract of farmland in central Lake County. Following a 3-week jury trial, a verdict was returned in favor of developer William Alter and Unity Ventures, a partnership controlled by Alter, in the amount of $9.5 million against Lake County and the village of Grayslake, as well as three local officials. The jury found all five defendants guilty of violating both section 1983 of the Civil Rights Act of 1871, and section 1 of the Sherman Act. After the verdict was returned, the court, acting pursuant to the Sherman Act, trebled the damages to $28.5 million.

Lake County is appealing this judgment, which has become very costly—legal fees are already approaching $1 million. If upheld, this will have a tremendous negative impact on the day-to-day management of government affairs and decisionmaking in Lake County.

Although Lake County is one of the wealthier per capita counties in the United States, if this judgment is not reversed it could very well become bankrupt. The impact on the taxpayer will be severe. The judgment entered in this case is 6,000 percent of the property tax collected last year by the village of Grayslake and 150 percent of the amount collected by all of Lake County. If Lake County were to increase its taxes to the maximum legal rate and still provide necessary services to its citizens, it would take the taxpayers 70 years to pay this judgment. Even if they used all of their cash reserves of $14.8 million, payment would still require 35 years.

As I indicated, this is just one example in which local government officials are hampered daily by the threat of antitrust liability cases. Legislation must be passed to assist local government officials when they make decisions regarding cable television, intergovernmental water agreements, waste disposal, nursing care homes for the aged, industrial revenue bonds, mental health programs, et cetera.

I urge my colleagues therefore to vote in favor of this bill and carefully consider the impact that Federal antitrust laws have on local government and local official decisionmaking.

Mr. MOORHEAD. Mr. Speaker, I just wish to point out one thing and that is when the court decided the cases of the City of Lafayette, and the City of Boulder, they retroactively changed the law that was assumed to be in effect for over 30 years. That was, that cities were exempt from antitrust actions in the same manner that States are exempt.

The language of H.R. 6027 is silent on the applicability of this bill to pending cases. But its silence is consistent with the general legal rule that pending cases are subject to the law in effect at the time they are actually decided, and for that reason this bill will have a retroactive effect, the same as the cases that made it this legislation necessary.

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

Mr. MOORHEAD. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I rise in strong support of this legislation.

I compliment the Committee on the Judiciary for having brought the legislation before the House and by its passage will restore the original practice and intent of the antitrust laws with respect to local governments, and I hope it will have an overwhelming vote.

Mr. Speaker, I thank the gentleman.

● Mr. HYDE. Mr. Speaker, this "Local Government Antitrust Act of 1984" is intended to restore some sense of sanity and stability to decisionmaking at the local government level. The enactment of H.R. 6027 would eliminate the possibility that crippling treble-damage judgments under the Federal antitrust laws could be assessed against units of local government and special-purpose districts.

Because of two Supreme Court decisions involving the city of Lafayette, LA, and the city of Boulder, CO, local governments now find themselves as potential defendants in the antitrust dock. In those cases, the Supreme Court ruled that units of local government are not immune from the Federal antitrust laws to the same extent as the States are and that a broad grant of home-rule power was not a sufficient defense in such cases. The result of these decisions is that localities are now being sued for the possible anticompetitive side effects of what are otherwise lawful and legitimate areas for the exercise of local government jurisdiction. The National League of Cities had advised us that over 300 such lawsuits are currently pending dealing with such subjects as zoning, land use, rights of way, licensing, franchising, mass transportation, and waste collection and disposal.

The outgrowth of the Lafayette and Boulder decisions has been caution, delay, and even fear on the part of localities. Important decisions are being postponed; the tax structure and the bond credit ratings of these local governments are threatened; and astronomical expenses are being incurred to defend these complicated suits.

This caution and fear very recently was confirmed by a decision of the U.S. District Court for the Northern District of Illinois in a case involving Lake County and the village of Grayslake, IL (*Unity Ventures* v. *County of Lake and Village of Grayslake*, No. 81 C 2745, ND Ill., January 12, 1984). On January 12 of this year, a jury awarded a developer $9.5 million in damages in an antitrust action against the county, the village, and three village officials. This damage award was automatically trebled to $28.5 million by the district court judge. The defendants are currently challenging the jury's award by filing a motion for judgment notwithstanding the verdict. If this decision is allowed to stand, it would be the first antitrust damage award ever assessed against a municipality or municipal officials.

The case arose out of a suit by a developer who desired access to a county sewer system. The plaintiff made no allegation that any public official involved acted for personal financial gain or the financial gain of anyone else. It was alleged, however, that discretionary denial of a sewer hookup had anticompetitive consequences that violated the Sherman Act. This money judgment represents 6,000 percent of the property tax collected by Grayslake Village in 1983, and 150 percent of the amount collected by Lake County in 1983. The extraordinary size of this judgment graphically demonstrates the urgent need for Congress to act to protect local governments.

Even before the decision in the Grayslake case, numerous bills were introduced in Congress to respond to this serious national problem. I am proud to point out that I was the first Member of the House of Representatives, along with other Members of the Illinois delegation, to introduce antitrust immunity legislation for local governments (H.R. 2981). In addition, proposed immunity legislation was also introduced by my colleagues from New York [Mr. FISH] and California [Mr. EDWARDS]. Now, the House Judiciary Committee has moved ahead and reported legislation that contains many of the protections suggested in these bills.

As it comes to the floor, H.R. 6027 makes it clear that no money damages may be recovered against units of local government or local officials in suits brought under the Federal antitrust laws. The only remedy under the antitrust laws would be suits for injunctive relief. Suits for injunctive relief may be brought by private parties, as well as the Justice Department, the Federal Trade Commission, and State attorneys general. As it was reported by the Subcommittee on Monopolies and Commercial Law, however, this legislation would have treated existing local

government defendants in a discriminatory fashion. It would have permitted the awarding of actual damages in those cases filed and pending prior to July 1, 1984.

During our markup in the full Judiciary Committee, I offered an amendment to strike the actual damages provision and, instead, make it clear that the injunctive relief remedy and the no damages protections of this bill would be equally applicable to those cases filed and pending prior to the date of enactment. By a recorded vote of 17-14, a majority of the Judiciary Committee indicated that they shared my view that these protections against money damages should be granted to localities and local officials retroactively as well as prospectively. Because of the favorable action taken on my amendment, the language of H.R. 6027 is silent on its applicability to cases filed and pending prior to committee action. This silence is consistent with the general legal rule that pending cases are subject to the law in effect at the time they are finally decided. Thus, H.R. 6027 is applicable to cases filed and pending prior to enactment, as well as to those cases filed after enactment.

In particular, I am most gratified that the adoption of my amendment provides new hope for Lake County and the village of Grayslake (and the taxpayers that live in those jurisdictions) in their effort to reverse the stunning $28.5 million damage award. The adoption of my amendment was strongly supported by the National League of Cities, the United States Conference of Mayors, and the National Association of Counties.

This legislation is an explicit statement that the antitrust laws were not intended to oversee or interfere with the decision making process at the local government level. Antitrust law is not the proper vehicle for questioning or testing the validity of governmental policy choices. Similarly, the antitrust laws were not aimed at unethical behavior by local government officials. There are criminal and civil laws in all 50 States dealing with fraud, wrongdoing and conflict of interest by local officials. It is through these laws, and the political process itself, rather than the Federal antitrust laws, that such behavior should be checked and, if appropriate, punished.

This measure protects actions that come within the ambit of the defined term "official conduct of a local government." That term is broadly defined to include all units of local government and special-purpose districts created under State law. Special-purpose political subdivisions, which receive the protections of this legislation, include school districts, sewer and water districts, planning agencies, irrigation districts, road districts, drainage districts, and mosquito control districts. This category does not include private, professional membership organizations such as bar associations, medical associations, or real estate licensing boards. In addition, those persons who enter into legal arrangements with localities, such as licensees, franchisees, contractors, and so forth, would also be protected from damages if their conduct is required by a local government.

I cannot stress how strongly I feel about the importance of this legislation. It is remedial and justified in the truest sense of those words. I strongly urge my colleagues to support the passage of H.R. 6027.●

● Mr. RODINO. Mr. Speaker, I rise in support of this important legislation designed to adjust the application of Federal antitrust laws to our local governments.

Data from the Department of Commerce indicates that there are some 35,000 municipalities and townships in this country. If counties, school districts, and other special districts are included, the number exceeds 76,000. These entities, on a daily basis, must make important decisions that affect all of us. In short, they must govern.

The question before us today is how we want the antitrust laws, and the principles of competition that they embody, to apply to local governments. Although the first antitrust law was enacted in 1890, Congress has yet to confront this question directly. In the first 50 years of antitrust enforcement, there were few, if any, antitrust suits brought against local governments. All of this is changing now.

As the result of changing and expanding roles of local government and, more recently, of Supreme Court interpretations of the doctrine that would confer a State's antitrust immunity on local governments, there has, in the last 6 years, been a striking increase in the number of private antitrust suits brought against local governments. Although few of these suits have resulted in judgments against local governments, the costs of litigating and the widespread concern with antitrust liability, including the possibility of treble damage judgments, may have severely undercut local officials' ability to govern in the public interest.

Congress can no longer afford to ignore this issue. We must act to tell local governments and the courts how we wish the antitrust laws to apply to the daily decisions of local officials. At least where classic governmental activity to enhance or protect the public health, safety, or welfare is concerned, most everyone agrees that the antitrust laws have no place in, and can only interfere with, legitimate governing.

But there is another side to this question. With the expanding activities of local government affecting all business and commercial activity, we cannot ignore the possible unnecessarily anticompetitive impact of some local government activity. Local governments, unfortunately, are in a position to undercut the national policy favoring competition even when such action serves no legitimate government purpose. They can do this, for example, by regulatory conduct, through their activity as purchasers of goods and services, or even by directly offering goods and services in competition with private firms.

Permitting local governments a free hand to govern without fear of antitrust liability, on the one hand, and, on the other hand, protecting our free market system from unwarranted and arbitrary intrusion by overextending local governments, is a uniquely difficult task. After monitoring available information and analysis for several years and hearing oral testimony on four occasions, the Committee on the Judiciary has crafted legislation that addresses what we believe to be the heart of the immediate problem confronting local governments: the potential treble damage liability from private antitrust suits.

H.R. 6027 would preclude suits for damages by private persons, States, or the United States, under section 4, section 4A, and section 4C of the Clayton, Act when the claim is against a local government or its officials and results from official conduct of a local government. The bill would also preclude such suits against private persons that deal with local governments when the claim results from conduct expressly required by a local government.

The Committee believes that eliminating the authority for private damage claims will discourage frivolous or unnecessary litigation brought to coerce or threaten local government conduct. But persons injured by anticompetitive conduct of local government will retain their right to sue for injunctive relief under section 16 of the Clayton Act if they prove an antitrust violation has occurred. And the federal enforcement agencies may still proceed against local government violations. Finally, private persons, though deprived of a damage remedy under the Clayton Act, may still sue for damages under Federal civil rights law or under State law.

H.R. 6027 leaves unresolved the important question of how antitrust laws will apply to local governments in nondamange claims against a local government.

I want to take this opportunity to thank Mr. Edwards for his leadership on this issue. On the minority side, we would not be where we are today without the assistance of our distinguished

ranking minority Member, Mr. FISH, and of the gentleman from Illinois, Mr. HYDE, both of whom have sponsored legislation on this subject and have worked with us to develop this bill.

Our task today is to act to prevent the immediate threat of abusive damage suits that may paralyze the governing process. That is what the Committee on the Judiciary has done; I urge my colleagues to join us in passing this important legislation.●

● Mr. FISH. Mr. Speaker, this legislation—the Local Government Antitrust Act of 1984—is a legislative response to the problems presented by two recent Supreme Court decisions, *City of Lafayettee* v. *Louisiana Power and Light Company*, 435 U.S. 389 (1978), and *Community Communicatins Company, Inc*, v. *City of Boulder*, 455 U.S. 40 (1982). As a result of these two decisions, localities and special-purpose districts now find themselves subject to antitrust suits based upon their exercise of a wide range of traditional and lawful government powers. Included among the types of local government activities that have become the subject of antitrust claims are: zoning and land use, licensing, franchising, waste collection and disposal, water treatment, airport services, mass transportation, and tax abatement. In addition, local government officials potentially find themselves personally liable in these cases.

H.R. 6027 adopts a remedies approach to the problem of local government antitrust liability. This legislation does not exempt local governments from the Federal antitrust laws. Rather, under its terms, no governmental or private plaintiff would be able to recover any money damages against a local government, or its officials, employees, or agents, for actions that fall within the official conduct of a local government. Official conduct of a local government is a defined term in this legislation making it clear than when localities are exercising their lawful authority or exercising powers that could reasonably be construed by local governments and officials to be within that authority, they are protected from antitrust damage recoveries. This scope of authority is broadly defined to include legislative, regulatory, executive, administrative, or judicial actions.

In addition, H.R. 6027 protects third parties—for example, licensees, franchisees, contractors, and beneficiaries of zoning decisions—from damages when their actions are the result of expressly required conduct by the local government. So, third-party defendants would also not be subject to damage awards under the Clayton Act if their actions were required by the local government itself. In seeking to determine whether or not such third-party conduct was required, a court should look, for example, at the terms of the contract, the language of the franchise agreement, the scope of the licensing authority granted, any local ordinance or regulation relating to the arrangement between the locality and the private party, and, of course, any State law, State constitutional provisions, or grant of home-rule power from which a unit of local government or special-purpose district derives its authority.

During our committee's deliberations on this matter, an amendment, offered by the gentleman from Illinois [Mr. HYDE] was adopted. It extends the protections contained in section 3 of this legislation to those cases filed and pending prior to our action on this measure. That is, for pending cases where there has been no final judgment, only suits for injunctive relief and not suits for monetary damages can now be successful. Since many of us view the Supreme Court decisions in the Lafayette and Boulder cases as deviations from the State action doctrine, a majority of Judiciary Committee members felt that those localities who have already become defendants in these actions should not be uniquely penalized.

Mr. Speaker, the subject of local government antitrust liability is a matter on which I have spent a considerable amount of time and attention in the last 2 years. In fact, legislation which I introduced last year (H.R. 3361) proposed antitrust immunity for units of local government and special-purpose political subdivisions. I was most gratified that my bill received favorable comments nationally and, in particular, was endorsed by the U.S. Conference of Mayors, the National Association of Counties, and the National League of Cities. Unfortunately, some felt that an immunity bill was more than the situation legislatively demanded and might have prompted years of complicated, interpretive litigation. Consequently, at this time, I am disposed to accept the so-called remedies approach as a method to address this serious national problem. Should this legislation prove to be inadequate, I intend to revisit this subject in the next Congress.

Finally, I would emphasize to the Members of the House of Representatives that H.R. 6027 still leaves plaintiffs with a variety of remedies. First, this legislation does not preclude suits under the State antitrust laws. Second, it does not prevent ultra vires actions against localities in State courts. Third, should a local government or third party engage in conduct outside the scope of the activities sanctioned and protected by section 3 of this bill, the normal damage remedies under the antitrust laws would still remain available to plaintiffs.

This legislation is intended to be a comprehensive response to this problem. Congress simply cannot allow localities and local taxpayers to face massive treble-damage suits challenging actions that are otherwise within their lawful authority. The Federal antitrust laws were never intended to apply to legitimate governmental decisionmaking. H.R. 6027 is intended to protect reasonable policy choices made by local governments based upon their broad authority to protect the public health, safety, and welfare. We should not allow the Federal antitrust laws to be misused as a mechanism to second-guess what are otherwise valid local government decisions.

I congratulate Judiciary Committee Chairman PETER RODINO for the thoughtful manner in which he has moved ahead on this legislation. In addition, I want to express my personal thanks to the gentleman from Illinois [Mr. HYDE] and the gentleman from California [Mr. EDWARDS], both of whom have been particularly helpful in moving this legislation forward. I strongly urge that the House of Representatives suspend the rules and pass H.R. 6027.●

● Mr. EDWARDS of California. Mr. Speaker, I am pleased to speak for the Local Government Antitrust Act, a bill that is sorely needed to adjust the application of our antitrust laws to local governments.

The bill is a measured response to what can only be termed an "antitrust paradox"—a paradox in which, for purposes of antitrust protection, the Supreme Court has found that States and local governments are on very different footings. Our worst fears may have been realized with the rendering of a $29 million damage verdict against a single county in Illinois this year. The threat to the solvency and well-being of our cities and towns has not ended there. The mere threat of a treble-damage suit can tie up local government, diverting its actions from the course that elected officials believe to be in the public interest.

H.R. 6027 has been crafted to offer local governments needed relief and certainty without doing violence to constitutional concerns of federalism and State sovereignty, upon which the city of Boulder decision was based. Although the committee is very much aware of the difficult conceptual problems the Court is struggling with in this area, our local governments simply cannot wait for the case law to synthesize into a coherent theory. They must continue to act in this period of uncertainty, and act without fear of massive damage liability.

H.R. 6027 simply eliminates all antitrust damage actions against local governments for their official conduct. Private parties suffering economic harm as a result of the official conduct of a local government may still sue for injunctive relief. Moreover, if

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local officials unreasonably act beyond their authority, the traditional treble-damage remedy remains intact.

The bill will also shield from antitrust damage suits private parties whose conduct is expressly required by a local government. This protection is important to maintain the local government's ability to deal with third parties. On the other hand, the committee has sought to avoid language that would invite attempts by private persons to cloak their anticompetitve conduct in the mantle of local government conduct.

The committee understands that H.R. 6027 does not resolve all of the issues confronting application of the antitrust laws to local government conduct. The legislation does not address, for example, the substantive law governing suits for injunctive relief or Federal enforcement actions against local government. We are aware, however, that the Supreme Court's decision in two pending cases could provide additional guidance on these issues. Depending on the outcome, the Congress may well find it appropriate to legislate further. What we are doing today is to eliminate the type of claim—the private treble-damage suit—that most threatens local government's ability to govern.

The Senate Judiciary Committee has responded to these concerns by approving a measure similarly limiting private suits to injunctive relief. The prospects of enacting legislation this year are thereby greatly strengthened. I urge my colleagues to join with the Judiciary Committee in approving this critical legislation.●

● Mr. FRENZEL. Mr. Speaker, I recently had an opportunity to meet with the mayors and elected officials in my district. They told me that one of their greatest fears was the threat of being held personally liable for antitrust suits brought against them for action they had taken for their cities. With over 200 such cases pending across the country, they should be worried.

I would prefer giving local governments the same antitrust immunity as States have. Still, H.R. 6027, which exempts cities and local officials from monetary damages, resulting from antitrust litigation, is the least we can do to protect our cities and townships.

Local elected officials are very dedicated and extremely hard-working public servants. Other than in large cities, the pay is low. In all local jurisdictions, the hours are long. Local elected officials are obviously not in it for the money. There are no full-time mayors, council members, or township officials in my district.

I am always surprised that we can recruit anyone at all to take on such responsibilities. It is almost miraculous that we are able to get such uniformly high-caliber individuals. Unfortunately, the hundreds of antitrust cases now being brought against local governments will surely discourage the best of our local leaders from public service.

I have always believed that good government depends most on wise leadership at the local level. If we don't protect local officials from antitrust suits against hard decisions made in open meetings, we won't have any competent local officials.

H.R. 6027 is at least a beginning step toward providing comprehensive protection. I urge my colleagues to support its passage.●

● Mr. SHAW. Mr. Speaker, at the end of May we had a rather warm debate here on the floor on an amendment to strike language in an appropriations bill prohibiting funding for antitrust actions against local units of government.

I joined in that debate because as a former mayor of the city of Fort Lauderdale, FL, I have a well developed awareness of the potential impact of antitrust litigation on the proper functioning of municipal government. As a result of the Boulder case, an endless list of local regulatory activities are subject to antitrust challenge—from cable TV franchises to waste collection. The result has not yet been panic in the streets, but my former colleagues in the U.S. Conference of Mayors tell me that at city hall the alarm bells have been ringing loud and clear.

Three months ago, we wisely decided that the first congressional action with regard to municipal antitrust liability should not be to unleash the Federal antitrust enforcement agencies. It was also pointed out then that the Judiciary Committee had been working for some time to prepare a comprehensive remedy. I am happy to report that that committee, on which I serve, has made good use of this period of grace. We have now brought to the floor a bill which squarely addresses the principal concern of municipalities across this land—treble damage antitrust claims which arise from actions conscientiously and quite properly taken by local officials. We propose to provide zero damages against local units of government for official conduct. Injunctive relief under section 16 of the Clayton Act remains, however, as a safeguard against abuse and as a deterrent to misconduct.

Mr. Speaker, I believe we have achieved a balanced resolution here which even Socrates might approve. I therefore urge enactment of H.R. 6027.●

● Mr. LIPINSKI. Mr. Speaker, today I rise in strong support for H.R. 6027, the Local Government Antitrust Act of 1984.

This much-needed legislation is in response to the Supreme Court's recent decision, Community Communications Co., Inc., against City of Boulder, where the Court held that municipalities, when engaging in their various governmental activities, are not necessarily exempt from Federal antitrust laws. Since the time of this unwelcomed decision, many municipalities and local officials have proceeded under a cloud of uncertainty on whether their official actions may find them liable under antitrust laws, which includes treble damages. Any antitrust liability imputed to a municipality would have severe consequences on both its financial health and its taxpayers, who would bear the ultimate financial burden. Also, local public officials could find themselves in a financial nightmare if found liable under antitrust laws just for performing their official duties.

H.R. 6027 removes the award of money damages as a potential remedy for a violation of antitrust laws against municipalities or local officials for their engagement in any governmental activity that may violate such laws. However, this legislation does offer a successful plaintiff injunctive relief to cease any conduct of a municipality or local official that may unjustifiably be anticompetitive. I believe this compromising legislation will remove the unnecessary inhibitions that municipalities and local officials presently experience as they attempt to perform their numerous and complex duties.

Finally, I would like to commend the subcommittee chairman, Mr. RODINO, and also my colleague from Illinois, Mr. HYDE, for their fine efforts in committee in ensuring that this legislation reached the floor of the House without undue delay.

Therefore, Mr. Speaker, today I strongly urge my colleagues to help our local governments by supporting H.R. 6027, the Local Government Antitrust Act of 1984.●

● Mr. MINETA. Mr. Speaker, I rise in enthusiastic support of H.R. 6027, which is a bill that will go a long way in reestablishing the ability of local governments to carry on with the business of administering their necessary municipal affairs without the threat of numerous Federal antitrust lawsuits.

H.R. 6027 is a carefully crafted measure that eliminates the recovery of damages under the Clayton Act against local governments. The bill also extends that same protection to third parties that are performing essential services expressly required by the Government such as contractors or licensees. While providing these protections to local government, H.R. 6027 does not prevent private individuals to seek injunctive relief against local governments.

Mr. Speaker, the National Association of Counties and the National League of Cities has told us that over 200 antitrust cases have been filed against local governments since the Boulder decision by the U.S. Supreme Court. These lawsuits challenge zoning decisions, franchise decisions, and other actions that local officials must make in order to carry out their public duty.

Mr. Speaker, as a former mayor of a large and thriving city—San Jose, CA, I am acutely aware how city and county officials have been threatened by the crippling possibility of treble damages in lawsuits filed as a result of decisions that they must make if they are to administrate critical Government services involving education, public transit, health, housing, and utilities. In San Jose, CA, there are currently two lawsuits filed against the city that ask for combined damages in excess of several million dollars.

City officials cannot continue to operate with the threat that they or their city's economy will be faced with possibility of these huge judgments. Both the quality of decisionmaking and local services will suffer if we do not pass this bill.

Mr. Speaker, I would also like to express my thanks to my colleague from California [Mr. EDWARDS], who has been particularly helpful in moving this legislation forward. It is a much needed and timely crafted bill and I strongly urge the House to vote for this bill.

Thank you very much.●

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 6027, as amended.

The question was taken.

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

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

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

There was no objection.

□ 1510

PROVIDING FOR A STUDY COMMISSION FOR U.S. AGRICULTURE-RELATED TRADE AND EXPORT POLICIES

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the resolution (H.J. Res. 600) 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; as amended.

The Clerk read as follows:

H.J. RES. 600

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That title XII of the Agriculture and Food Act of 1981 is amended by inserting after subtitle B a new subtitle C as follows:

"SUBTITLE C—AGRICULTURAL TRADE AND EXPORT POLICY COMMISSION ACT

"SHORT TITLE

"SEC. 1217. This subtitle may be cited as the 'Agricultural Trade and Export Policy Commission Act'.

"FINDINGS AND DECLARATION OF POLICY

"SEC. 1218. (a) Congress finds that—

"(1) the economic well-being of the Nation's agricultural industry is directly related to its ability to compete in international markets; and

"(2) a thorough examination of agriculture-related trade and export policies, programs, and practices of the United States is needed to ensure that such policies, programs, and practices increase the competitiveness of United States agricultural commodities and products in international markets.

"(b) It is hereby declared to be the policy of Congress to expand international trade in United States agricultural commodities and products and to develop, maintain, and expand markets for United States agricultural exports.

"ESTABLISHMENT

"SEC. 1219. (a) There is established a National Commission on Agricultural Trade and Export Policy to conduct a study of the agriculture-related trade and export policies,

"(b) In addition to the ex officio congressional members specified in subsection (c) of this section, the Commission shall be composed of twenty-three members appointed or designated by the President and selected as follows:

"(1) The President shall select three members from among offices or employees of the Executive branch who shall serve in an ex officio capacity without voting rights; and

"(2) The President pro tempore of the Senate and the Speaker of the House of Representatives shall each select ten members from among private citizens of the United States to represent industries that are directly affected by agriculture-related trade and export policies, programs, and practice of the United States, including, but not limited to, the following:

"(A) producers of major agricultural commodities in the United States;

"(B) processors or refiners of United States agricultural commodities;

"(C) exporters, transporters, or shippers of United States agricultural commodities and products to foreign countries;

"(D) suppliers of production equipment or materials to United States farmers;

"(E) providers of financing or credit for domestic and export agricultural purposes; and

"(F) organizations representing general farm and rural interests in the United States.

"(c) The chairman and ranking minority members of the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition, and Forestry, the House Committee on Foreign Affairs, the Senate Committee on Foreign Relations, the House Committee on Ways and Means, and the Senate Committee on Finance shall serve as ex officio members of the Commission and shall have the same voting rights as the members of the Commission selected and appointed under the provisions of subsection (b)(2) of this section. The chairmen and ranking minority members may designate other members of their respective committees to serve in their stead as members of the Commission.

"(d) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(e) The Commission shall elect a chairman from among the members of the Commission who are selected and appointed under the provisions of subsection (b)(2) of this section.

"(f) The Commission shall meet at the call of the chairman or a majority of the Commission.

"CONDUCT OF STUDY

"SEC. 1220. The Commission shall study the agriculture-related trade and export policies, programs, and practices of the United States and the international and domestic factors affecting such policies, programs, and practices, including the intergovernmental activities of the United States that affect the formulation of policies. In conducting the study, the Commission shall consider, among other things, the following:

"(1) the effectiveness of existing agricultural export assistance programs, and the manner in which they can be improved;

"(2) new export assistance programs that should be considered, and the conditions under which they can be implemented;

"(3) practices of foreign countries that impede the export of United States agricultural commodities and products, and appropriate responses for the United States;

"(4) the effectiveness of the trade agreements program of the United States with respect to agriculture-related trade and exports, and the manner in which it can be improved;

"(5) international economic trends that affect agricultural exports, and the manner in which the United States can best adjust its policies, programs, and practices to meet changing economic conditions;

"(6) potential areas of conflict and compatibility between international agricultural trade and foreign food assistance programs, and the manner in which any conflict can be resolved; and

"(7) the relationship between international agricultural trade and foreign economic development programs, and the manner in which they can be made more compatible.

"RECOMMENDATIONS AND REPORTS

"SEC. 1221. (a) On the basis of its study, the Commission shall make findings and develop recommendations for consideration by

the President and Congress with respect to the agriculture-related trade and export policies, programs, and practices of the United states, and the manner in which such policies, programs, and practices can be improved to better develop, maintain, and expand markets for United States agricultural exports.

"(b) The Commission shall submit to the President and Congress—

"(1) a report containing its initial findings and recommendations by March 31, 1985,

"(2) such additional interim reports on its work as may be requested by the chairman of any of the Committees set forth in section 1219(c) of this subtitle, and

"(3) a report containing the final results of its study and its recommendations therefrom by July 1, 1986.

"ADMINISTRATION

"SEC. 1222. (a) The heads of Executive agencies, the General Accounting Office, the International Trade Commission, and the Congressional Budget Office shall, to the extent permitted by law, provide the Commission such information as it may require in carrying out its duties and functions.

"(b) Members of the Commission shall serve without any additional compensation for work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service under sections 5701 through 5707 of title 5, United States Code.

"(c) To the extent there are sufficient funds available to the Commission in advance under section 1223 of this subtitle, and subject to such rules as may be adopted by the Commission, the chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

"(1) appoint and fix the compensation of a director; and

"(2) appoint and fix the compensation of such additional staff personnel as the Commission determines necessary to carry out its duties and functions.

"(d) Upon request of the Commission, the Secretary of Agriculture shall furnish the Commission with such personnel and support services as are necessary to assist the Commission in carrying out its duties and functions.

"(e) Upon request of the Commission, the heads of other Executive agencies and the General Accounting Office are each authorized to furnish the Commission with such personnel and support services as the head of the agency or office and the chairman of the Commission agree are necessary to assist the Commission in carrying out its duties and functions.

"(f) The Commission shall not be required to pay or reimburse any agency or office for personnel and support services provided under this section.

"(g) In accordance with section 12 of the Federal Advisory Committee Act, the Secretary of Agriculture shall maintain such financial records as will fully disclose the disposition of any funds that may be at the disposal of the Commission and the nature and extent of its activities, and the Comptroller General of the United States, or any of the Comptroller General's authorized representatives, shall have access to such records for the purpose of audit and examination.

"(h) The Commission shall be exempt from section 7(d), section 10(e), section 10(f), and section 14 of the Federal Advisory Committee Act.

"(i) The Commission shall be exempt from the requirements of sections 4301 through 4305 of title 5, United States Code.

"PUBLIC SUPPORT

"SEC. 1223. (a) Following the appointment or designation of the members of the Commission, notwithstanding the provisions of section 1342 of title 31, United States Code, the Secretary of Agriculture may receive, from persons, corporations, foundations, and all other groups and entities within the United States, contributions of money and services to assist the Commission in carrying out its duties and functions. Any money contributed under this section shall be available to the Commission for the payment of salaries, travel expenses, per diem, and other expenses incurred by the Commission under this subtitle. In no event may the contributions from any one person, corporation, foundation, or other group or entity exceed 5 per centum of the Commission's total budget.

"(b) If the contributions provided under subsection (a) are insufficient for payment of Commission salaries, travel expenses, per diem, and other expenses incurred by the Commission under this subtitle, the Secretary of Agriculture is authorized to use the funds of the Commodity Credit Corporation for such purposes in an amount not to exceed a total of $1,000,000.

"(c) The Secretary of Agriculture shall keep, and shall make available for public inspection during normal business hours, records that fully disclose a complete list of every person, group, and entity making a contribution under this section, the address of the contributor, the amount and type of each such contribution, and the date the contribution was made.

"(d) Any amount of money available to the Commission under this section that remains unobligated upon termination of the Commission shall be deposited in the Treasury as miscellaneous receipts.

"TERMINATION

"SEC. 1224. The Commission shall terminate sixty days after the transmission of its final report to the President and Congress.".

The SPEAKER pro tempore. Is a second demanded?

Mr. ROBERTS. Mr. Speaker, I demanded a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington [Mr. FOLEY] will be recognized for 20 minutes and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, one hears a great deal of discussion these days about agricultural exports. The House now has a chance by the enactment of House Joint Resolution 600 to do something about the problem of exports.

This legislation could be a significant and helpful step in that direction. It has been introduced by the distinguished chairman of the House Agriculture Committee, the gentleman from Texas [Mr. DE LA GARZA], and cosponsored by the distinguished ranking minority member, the gentleman from Illinois [Mr. MADIGAN].

It establishes a commission to study export and trade problems facing agriculture and to recommend further steps which might be taken to improve export programs.

The legislation has attracted wide bipartisan cosponsorship of which I am happy to be one, and I believe it merits and will receive an overwhelming vote from the House.

Mr. Speaker, no one can guarantee in advance that the Commission we have designed will come forward with recommendations that provide improvements in existing programs. No one can guarantee in advance that if the Commission comes up with sound and helpful recommendations that we will be able to translate them into action, either through administrative action or through new legislation.

But this is an area in which the stakes are so high that it is worthwhile to make the effort, regardless of advance guarantees. All of us who are concerned with maintaining a productive and healthy agriculture, and all who are concerned with the the problems of the domestic and world economy in general, understand the tremendous importance of agricultural exports.

Without going back over the reasons for the current role of exports in our farm economy, I will say only that trade policy is now a key part of our agricultural economy. In recent years our agricultural exports and the health of our farm economy have been damaged by a variety of factors, including worldwide recession, increased foreign competition, high interest rates, currency rates including the strength of the dollar. Agricultural Department reports indicate that the value of our farm exports has dropped from a record of $43.8 billion in fiscal 1981 to a predicted $38 billion for the current fiscal year.

As we try to restore profit to agriculture we must include export policy as one of the items we include in any agricultural recovery package. I hope the Commission proposed in this legislation will help us in this work.

The Commission would be directed to study national policies which affect agricultural exports. As the legislation states, the Commission would study existing programs and potential new programs. It would look at factors including foreign protectionist policies and economic trends. It would try to suggest how the United States could

best adjust its policies to meet changing conditions.

The Commission would be directed to make an interim report by March 31, 1985, and a final report by July 1, 1986. The interim report would give us a chance to consider proposals from the study as we work on the forthcoming 1985 farm bill.

Two other points are worth laying on the record at this point.

One is the fact that Congress will have a direct role in this study. There will be 12 Members of the Congress with voting seats on the Commission, including the chairman and ranking minority members of the House Committee on Agriculture, Foreign Affairs, and Ways and Means; the Senate Committees on Agriculture, Nutrition and Forestry, Foreign Relations, and Finance.

The second point to consider is that private contributions would be authorized to pay the cost of the Commission's work, but the Agricultural Committee has taken careful action to assure that there was no link between any private contributions and the makeup or work of the Commission. We have done this by providing that the contributions can be accepted only after the appointment to the Commission are completed.

Further we have built a safeguard against any possible fear that a single contributor could unduly influence the work on the Commission by providing that individual contributions would be limited to 5 percent of the Commission's total budget.

Mr. Speaker, I have been impressed by the broad base of support for the Commission. This has been evident in the hearings on the legislation and in the conversations I and others have had with representatives of many private organizations, producer groups, business interests, and others.

I fully expect that private contributors will fully fund the work of the Commission. But if this should not come to pass, the resolution includes a backup provision authorizing the use of Commodity Credit Corporation funds so that the Commission could successfully do its job.

But I repeat, Mr. Speaker, it is my belief, and the belief of the members of the committee, that no funds of any kind from Government sources will be required to undertake and complete the work of this Commission.

Mr. Speaker, in my view export policy is not a cure-all solution for all of our agricultural problems, and a good export policy is not a substitute for a total, sound farm policy. But passage of this legislation and the creation of the Commission should not be seen by anybody as a sort of backdoor move to reduce farm price supports. It is a sincere effort to see if we can find ways to get a more effective export program as part of a sound overall program to protect farm income.

The issue of exports must be a part of whatever we do in agricultural policy, a part of the total picture we will be considering next year when we draft the 1985 Food and Agriculture Act.

House Joint Resolution 600 has already received strong support among segments of the agricultural community. An identical bill has been introduced with bipartisan support in the other body. The House is moving expeditiously on this bipartisan bill which was introduced initially on June 21.

I hope, Mr. Speaker, this bill can soon become law.

Finally, Mr. Speaker, before I yield the floor I wish to take this occasion to thank the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL] the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI] for their work and support in expeditiously considering this legislation. These two committees share jurisdiction over this legislation with the Agriculture Committee and joined with us in a hearing held on the legislation on July 26, and have been instrumental in making it possible for this bill to reach the floor today.

Mr. Speaker, I believe, as I have said earlier, that this legislation will be a valuable and helpful addition to our overall agricultural policy and I believe it deserves and will receive the support of the overwhelming membership of this House.

I reserve the balance of my time.

Mr. ROBERTS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, first, I would like to commend our distinguished chairman, my colleague from Texas, Mr. DE LA GARZA, as well as our ranking member, my colleague from Illinois, Mr. MADIGAN, for introducing this resolution.

It goes without saying that exports and our trade policy represent a vital segment of our national economy and a most critical part of our farm economy. There is little doubt that we will not enjoy a return to prosperity in farm country until we see improvement in farm exports.

In my own State of Kansas, for instance, we rank fourth among the 50 States as an exporter of agricultural commodities. However, the value of those exports were down 14 percent from the previous fiscal year. Kansas is the leading wheat exporting State; nearly two-thirds of the wheat produced in my district finds its way into export channels and that is true of the wheat crop nationally as well.

It is a given, Mr. Speaker, that exports represent one of the cornerstones of whatever prosperity we are able to enjoy in farm country. But, too many times in the past it has also been a given that our export and trade policies have not been consistent or predictable. In recent years, we have seen embargoes, trade sanctions, a dramatic shift in the value of the American dollar and the ugly head of protectionism within this Congress—all of which have left the farm community shell shocked to the extent some say our export policy resembles shattered glass.

The farmer cannot survive in a climate of every changing policy in regard to exports and trade. The goal of this legislation is to establish a commission to take a hard look and conduct a thorough study of the whole issue of agricultural trade. In it will be a blueprint for action. In recent years, our farm groups, organizations, agribusiness and the individual producer have often been the only voice when it comes to opposing legislation and executive policy that is counterproductive when it comes to trade policy. We have felt somewhat like Custer leading the charge against ill advised legislation that can only be described as protectionist. Too many times the so called fair trade flag has been planted squarely in the backs of our producers.

We have made some progress. The use of food as a foreign policy weapon has been ruled out by this administration—despite those who have argued otherwise. We have the strongest contract sanctity legislation ever written—that bill is in conference and the President will sign it. Recently we have seen slow but a steady increase in the purchase of wheat and feed grains by our customers. But, to reestablish, piece by piece an export policy devastated by embargoes takes time, and the fight to keep that policy sound is an ongoing responsibility.

This Commission would be a reasonable step forward in our fight for a consistent trade policy; a reasonable step in providing some consistent and predictability to agriculture program program policy over the long term. Given what we have gone over in debate on this bill in committee various concerns have been laid to rest. It is a good bill and I urge my colleagues support.

□ 1350

Mr. Speaker, I yield 2 minutes to my distinguished colleague, a champion of fair and free trade policy the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of House Joint Resolution 600, the Agricultural Trade and Export Policy Commission Act. I commend Mr. FOLEY, Mr. DE LA GARZA, Mr. ROBERTS, and Mr. MADIGAN and all of the leaders here who have worked on it.

Mr. Speaker, I rise in support of House Joint Resolution 600, the Agri-

cultural Trade and Export Policy Commission Act.

First of all, I would like to thank Chairman DE LA GARZA, Mr. FOLEY, and my good friends Mr. MADIGAN and Mr. ROBERTS for their hard work and leadership on this important issue.

As you know, Mr. Speaker, this resolution would establish the National Commission on Agricultural Trade and Export Policy, whose purpose would be to conduct a study of the agricultural-related trade and export policies, programs, and practices of the United States.

Agricultural exports have become absolutely essential to the health of the agricultural economy, and are the biggest dollar item exported by the United States. This fiscal year, farm exports are forecast to reach $38 billion, $3.5 billion above last year. Agricultural exports contribute a $21 billion trade balance for the United States at a time when the overall trade deficit is staggering.

The importance of this resolution, Mr. Speaker, is underscored by the fact that farm exports generate approximately $81.8 billion in total U.S. business activities according to the USDA. Agricultural exports are also important in producing jobs for our economy. It is estimated that in calendar year 1982, 1.1 million jobs were related to producing, processing, and transporting American agricultural exports.

To American farmers, this resolution is especially important. In 1983, 1 out of every 2 acres of wheat, 1 of every 3 acres of corn, and 1 of every 2 acres of soybeans were exported. Over one-third of all cropland acres are now farmed for the export market.

The importance of examining our export policies, then, is quite clear, Mr. Speaker. The future of a healthy and expanding farm economy, as well as the jobs of millions of Americans are at stake. We must work to remain competitive in the international marketplace and to expand our share of this all-important market for our products. I urge my colleagues to support passage of this resolution.

Mr. ROBERTS. I thank the gentlewoman for her contribution.

Mr. Speaker, I yield 1 minute to my good friend and colleague, the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in support of this resolution. I believe that it is very timely. I do not believe we have heard discussed today the significance of agricultural exports to our overall balance of trade situation. Today we are running at a $100 billion deficit as a country. It is estimated it may approach $150 billion.

Agricultural exports now have a $22 billion trade surplus. The significance of that, I believe, points to the merits of this resolution. This bill is designed to focus the attention squarely on the importance of agricultural exports and the direction that we need to go both in the 1985 farm bill and also, more directly, the direction we need to go for agricultural policy for the rest of this century and into the next.

I thank the gentleman for yielding.

Mr. ROBERTS. I thank my colleague for his contributions.

Mr. Speaker, I yield 5 minutes to my colleague, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. I thank the gentleman for yielding time to me, and I commend him for his leadership in agricultural matters, expecially agricultural exports.

Mr. Speaker, I rise today in support of House Journal Resolution 600, the Agricultural Trade and Export Policy Commission Act. I am proud to be an original cosponsor of this resolution.

Mr. Speaker, I first of all wish to compliment the cooperative, joint effort put forth by my colleagues on the Ways and Means Committee, the Foreign Affairs Committee, and especially the members of the Agriculture Committee for their work on House Journal Resolution 600. I am especially pleased that jurisdiction was waived by both the Ways and Means Committee and the Foreign Affairs Committee so that this important measure could move quickly to the floor of the House.

As a representative from a State which depends heavily on the income generated by agricultural exports, this resolution is without a doubt one of the major agricultural measures to come before Congress in many years.

This measure is important, Mr. Speaker, because agricultural exports are the lifeblood of my farmers in Nebraska. For Nebraska, agricultural exports totaled $1.75 billion in 1983. That amounts to almost $1,100 for every citizen in Nebraska.

Agricultural exports are also vital to own Nation because of the significant contribution they make in our balance of trade. It is important to put agricultural exports in perspective in terms of our balance of trade. Agricultural products are by far our Nation's largest export; larger than our auto, steel, and high-tech industries combined. The $34.8 billion in agricultural exports in 1983 will alone almost offset the cost of our imports of foreign crude oil—$36.8 billion.

From its high of $43.8 billion in 1980, however, the export of American agricultural products has declined in the last few years. The need therefore, of an Agricultural Trade and Export Policy Commission is to impartially address the causes of this decline and chart a positive goal for the future. We may speculate on why agricultural exports have declined—the high value of the dollar, the price of our agricultural commodities, or perhaps the trade policies and legislation of the United States in the past. At this time, no one can say with any degree of certainty what the sources of the problems are, or what the solutions should be. The purpose of this Agricultural Export Commission is to examine the past and present trade policies of the United States, determine whether these policies have either helped or hindered agricultural exports, and develop a consistent and stable long-term trade policy conducive toward developing new markets and expanding our existing foreign markets. It is the long-term goal of this Commission to help the United States remain the preeminent world leader in agriculture. By looking toward promotion, rather that protectionism, I hope this Commission will become a model for other industries to follow in coping with their declining market shares.

Frequently, we in Congress talk about a fair trade policy, or a free trade policy, but too infrequently do we talk about a consistent or a competitive trade policy. The specialty of America's farmers is competing, and when left alone to compete freely with other nations they are usually successful. The one thing, however, that farmers cannot compete with is an anticompetitive trade policy set by our own Government. If we stand back and look at some of the masochistic things we have done to ourselves, it is a wonder this Nation has been able to maintain trade with our foreign markets at all.

Mr. Speaker, I do not intend to dwell on the issue of trade protectionism, or some of the mistakes I think we have made in the past, but a little over a week ago, this body passed by an overwhelming margin a so-called trade remedies bill, this legislation by itself could potentially threaten $7 billion in agricultural sales per year to Japan alone. On two occasions, this body voted to impose domestic content legislation, and let us not forget the cargo preference legislation which we have grappled with on numerous occasions. Finally, of course, we continue to clamor for various import quotas or higher tariffs on steel, or copper, or cars, or a myriad of other foreign products.

The impact of protective trade legislation is not however, the only area we need to be concerned with in establishing trade policy.

The action by this administration last year to curb Chinese textiles is but one recent example of shortsighted and ill-conceived trade policy. Although no figures are available to show how much the textile industry benefited from this action, figures are available which show that the United States, and specifically the American farmers, lost a half-billion dollars' worth of agricultural sales to China.

A less recent, but no less memorable event in the previous administration, was the grain embargo imposed by President Carter against the Soviet Union in 1979. The Carter grain embargo was by any measure a devastating foreign policy blow, not to the Soviet Union, but to American agriculture. The American farmer lost over $11 billion in sales to the Soviet Union and the United States lost hundreds of thousands of jobs. The loss of Soviet grain sales, coupled with bumper crops in the early 1980's, caused us to accumulate record surpluses of grain which resulted in greater outlays for farm price support programs and eventually necessitated the Payment-in-kind [PIK] Program in 1983.

Perhaps worst of all, however, is that the Carter grain embargo simply did not have any impact on the Soviet Union's behavior in world affairs. When President Carter imposed the grain embargo, did the Soviets withdraw its troops from Afghanistan?—No. Did the Soviets stop eating or buying grain? Of course not. The Soviets simply purchased the grain they needed from our competitors—Brazil, Argentina, Canada, France, and other grain exporting countries. In imposing the embargo, President Carter encouraged the Soviet Union to cultivate permanent trading relationships with our competitors, and those relationships continue to exist today.

In a visit I had over Thanksgiving in 1982 with the Deputy Minister of Agriculture of the Soviet Union, he said to me in almost perfect English,

I want you to know, Congressman,

And this was of course shortly after the grain embargo that had been imposed because of the Soviet invasion of Afghanistan,

we regard you as an unreliable trading partner and a supplier of last resort. You are not going to affect our internal or external policies. We have other suppliers now for our grain, including Argentina, France, and now Canada.

Some of our past legislative and administrative actions on trade have indeed been disheartening, not just because they place an inordinate burden on the American farmers and the agricultural sector of this Nation, but because it is a de facto and implicit recognition that many of the major industries of the United States simply have not remained competitive with our foreign trading partners. We may view protectionism as positive assistance for the American industry, but we too often overlook the negative impact protectionism has on other industries—especially agiculture—which has worked hard to remain competitive.

We in the Congress need to remember that embargoes, protectionist trade legislation, and imposition of quotas are a two-way street. When we deprive other nations access to our markets, or make thin access more difficult, we also shut ourselves off from the markets we hope to cultivate overseas.

We have made our mistakes in the past. Now it is time that we learn the lesson of our mistakes. It will be our biggest mistake if we repeat them in the future. I applaud House Joint Resolution 600 as a measure which is positive not only for agriculture, but for the entire Nation. When we concentrate our efforts on learning how to promote the products we produce efficiently, all Americans benefit from increased trade and we eliminate the need for protectionism. However, when we concern ourselves only with protectionism, even the most efficient industries suffer and no amount of promotional efforts can help us to retain or develop our foreign markets.

Again, I thank my colleagues on the Agriculture, Ways and Means, and Foreign Affairs Committees for their fine work on this measure, and I urge all of my colleagues to vote in favor of House Joint Resolution 600.

Mr. ROBERTS. I thank the gentleman for his contribution.

I have no more requests for time.

I think I need not take the time of my colleagues any further except to associate myself with the remarks made by the chairman of the Subcommittee on Wheat, Soybeans, and Feed Grains, the former chairman of the Committee on Agriculture [Mr. FOLEY], the gentleman of the House who in more ways than any other Member represents E.F. Hutton; when he speaks, the entire agricultural community listens.

I do associate myself with his remarks, sir. He has gone over in detail the very fine provisions of this bill.

● Mr. DE LA GARZA. Mr. Speaker, I rise in support of House Joint Resolution 600, which would establish a broad-based national Commission to conduct a study of agriculture-related trade and export policies of the United States and the manner in which they can be improved to better develop, maintain, and expand markets for U.S. agricultural exports. This resolution is a response to the concern within the agricultural community with the serious decline in U.S. agricultural exports since 1980.

The volume of U.S. agricultural exports has declined 13 percent since 1980, from a record level of 163.9 million metric tons to a projected level of 142 million tons in 1984. At the same time, the dollar value of U.S. agricultural exports has declined from a record level of $43.8 billion in 1981 to a low of $34.8 billion in 1983.

Exports are a mainstay of profitability in the U.S. agricultural economy. Indeed, since the mid-seventies, U.S. agriculture has become increasingly export dependent. During the decade of the seventies, the volume of total U.S. agricultural exports increased on an average of 10 percent per year with the total exports more than doubling and the value of those exports increasing more than fivefold.

Two of every five acres harvested in the United States today are devoted to the production of crops that are exported. More than half of the wheat, soybeans, and sunflower seed; one-third of the rice, cotton, and tallow; and more than one-quarter of all the tobacco and feed grains produced in the United States is exported to markets throughout the world. U.S. agricultural exports go to more than 130 countries on all 5 continents, including such significant markets as Japan, the Netherlands, the U.S.S.R., Canada, Spain, China, Korea, West Germany, Mexico, Taiwan, Italy, Great Britain, Belgium, Egypt, and Venezuela. Our great agricultural abundance, therefore, provides a tremendous variety of low-cost foods and fibers not only for our own citizens but for millions of people in both developed and developing nations.

The importance of exports for farm income cannot be underestimated. During the years of declining exports since 1980, net farm income in the United States has declined from a level of $30.1 billion in 1981 to a projected level of between $15 and $17 billion in 1983.

While our Nation's producers lose income from declining exports, the Nation also suffers from a mounting trade deficit. Agricultural exports have in the past provided a bright spot in an otherwise dismal picture of our balance of trade with foreign countries. The current U.S. trade deficit, which is forecast to exceed $100 billion by the end of this year, is in part a result of the continuing downward trend in agricultural exports.

A number of significant factors have been identified as contributing to problems affecting U.S. trade in agricultural commodities and products. The value of the U.S. dollar may be as much as 20 percent higher today than it was 2 years ago in relation to the world's 15 leading currencies. A strengthened dollar increases the price of U.S. commodities in world markets, providing an incentive for expanded production in agricultural commodities and products by competitor nations.

The problem of an overvalued dollar has been exacerbated by the use of export subsidies by other nations. While the United States has responded to these competitive pressures by increasing the amount of Government direct and guaranteed export credit, it appears that this policy has not been sufficiently successful in stemming the decline of the U.S. market share in major world markets.

The years since 1980 have also witnessed a period of serious decline in the international economy. Weak economic growth in the United States until very recently has been paralleled by similar problems affecting industrialized nations. In addition, many nations of the Third World have faced economic crises during the early years of this decade.

The rapid expansion of demand for U.S. agricultural commodities and products which occurred in the seventies, in part as a result of the easy availability of commercial credit during a period of worldwide economic growth, has collapsed in recent years as credit has contracted in response to a worsened international economic situation. The total debt of the developing countries has nearly doubled since 1979, from $472.1 billion to a projected level of $820 billion in 1984.

While there may be agreement in regard to some of the significant factors which have contributed to the decline in U.S. agricultural exports in recent years, no comprehensive consensus on appropriate Government export policy has yet emerged.

The committee is of the view that a National Export Policy Commission, as would be established by House Joint Resolution 600, would be very helpful in providing guidance for a comprehensive export policy. The Commission would be widely representative of the U.S. agricultural sector and would include Members of Congress representing committees of jurisdiction.

The study Commission would be financed by contributions from private sources—individuals, corporations, foundations, and other entities. To avoid any possible appearance of a conflict of interest in the appointment of members of the Commission, House Joint Resolution 600 provides that contributions could be received only after appointments to the Commission have been completed. Also to assure that the financing would be drawn from a truly broad base of support, the resolution limits the amount that could be received from any single source to 5 percent of the Commission's budget.

Finally, as a backup in the unlikely event that private contributions are not sufficient to ensure that the Commission is adequately funded to do a thorough job in fulfilling its mandate, the resolution authorizes the Secretary of Agriculture to use the funds of the Commodity Credit Corporation up to a maximum amount of $1,000,000. Under this authority the funds of the Commodity Credit Corporation would be available to finance the initial organizational meetings of the Commission if they should occur before contributions sufficient to cover these expenses had been received. Once such contributions were received, it is expected that they would be used to reimburse the Commodity Credit Corporation for its advances.

The committee believes that there is a broad base of support for the Commission and, based on testimony received at the hearing, that there is sufficient interest in the private agricultural sector to meet the financing needs of the Commission. The provision relating to the use of Commodity Credit Corporation funds has been included only as a backup.

The final report of the Commission is required by the resolution to be submitted to the President and Congress by July 1, 1986. However, in order that the Congress may have the benefit of any recommendations of the Commission at the time of consideration of the 1985 farm bill, the resolution requires an interim report with initial findings and recommendations by March 31, 1985.

There has been concern that this resolution may be a stalking horse for a reduction in loan rates or otherwise for recommendations which would seriously affect domestic legislation that provides supports for farm income. That is not the intention of the Committee on Agriculture and the sponsors of the resolution. We simply believe that in order to enhance farm income, it is also necessary to address the issue of the decline that has taken place in U.S. agricultural exports. This is a matter on which the agricultural community is united. The legislation has a broad base of support among a large sector of the agricultural community, as was evidenced during the joint hearings held by the Committee on Agriculture, the Committee on Foreign Affairs, and the Committee on Ways and Means.

In the final analysis, the Commission would merely be providing recommendations; it is hoped that these will provide new insights as to steps that should be taken to improve exports. However, it will be up to the Congress and the committees of jurisdiction to take the actions that will be necessary to implement these recommendations.

I would like to express my appreciation for the cooperation that has been given in this endeavor by our sister committees, the Foreign Affairs Committee and the Ways and Means Committee, that share jurisdiction on the resolution. They participated in the hearings and have generously agreed to allow the resolution to come up today so that it can be enacted into law before the close of this session.

I urge my colleagues in the House to join me in support of House Joint Resolution 600.●

Mr. ROBERTS. Mr. Speaker, I yield back the balance of my time.

□ 1530

Mr. FOLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY] that the House suspend the rules and pass the joint resolution, House Joint Resolution 600, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution House Joint Resolution 600, just passed.

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

There was no objection.

REQUEST FOR PERMISSION TO HAVE UNTIL MIDNIGHT, TUESDAY, AUGUST 7, 1984, TO FILE CONFERENCE REPORT ON H.R. 5604, MILITARY CONSTRUCTION AUTHORIZATION ACT, 1985, AND MAKING IN ORDER ON OR AFTER WEDNESDAY, AUGUST 8, 1984, CONSIDERATION OF CONFERENCE REPORT ON H.R. 5604

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the managers have until midnight, Tuesday, August 7, 1984, to file a conference report on the bill (H.R. 5604) to authorize certain construction at military installations for fiscal year 1985, and for other purposes, and that it be in order to consider that conference report on Wednesday, August 8, or any day thereafter.

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

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so to inquire of the gentleman from Mississippi whether or not this has been cleared by the minority.

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

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

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, I will have to tell the gentleman I am not sure. It was brought to me just a few minutes ago.

If the gentleman has any problem with it, I will be glad to hold up.

Mr. WALKER. If the gentleman will withhold, the minority staff tells me that they are not familiar with the request. If the gentleman could just

withhold the request until we find out the status of it, I would appreciate it.

Mr. MONTGOMERY. I understand.

Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore. The unanimous-consent request is withdrawn.

DEPARTMENT OF ENERGY CIVILIAN RESEARCH AND DEVELOPMENT AUTHORIZATION ACT, 1985, 1986, AND 1987

The SPEAKER pro tempore. Pursuant to House Resolution 509 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5244.

□ 1534

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. 5244, to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal years 1985, 1986, and 1987, with Mr. WILLIAMS of Montana in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Florida [Mr. FUQUA] will be recognized for 30 minutes and the gentleman from Kansas [Mr. WINN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. FUQUA].

Mr. FUQUA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5244, which would authorize funds for fiscal years 1985, 1986, and 1987 for the Department of Energy civilian research and development programs.

I want to congratulate the gentleman from New York [Mr. SCHEUER], chairman of the Subcommittee on Natural Resources, Agriculture Research and Environment; the gentlewoman from Tennessee [Mrs. LLOYD], chairman of the Subcommittee on Energy Research and Production; and the gentleman from Kansas [Mr. GLICKMAN], chairman of the Subcommittee on Transportation, Aviation and Materials, for their leadership in bringing this legislation to the floor. They have done an outstanding job in perfecting this legislation. I would also like to acknowledge the considerable efforts of my colleagues on the other side of the aisle, the gentleman from Kansas [Mr. WINN], the ranking minority member; the gentleman from Pennsylvania [Mr. WALKER], the gentleman from New York [Mr. CARNEY], the gentleman from Wisconsin [Mr. SENSENBRENNER], and the gentleman from New York [Mr. MCGRATH].

Mr. Chairman, H.R. 5244, the Department of Energy Civilian Research and Development Authorization Act for fiscal years 1985, 1986, and 1987, encompasses civilian energy R&D programs under the sole jurisdiction of the Committee on Science and Technology. We feel that we are recommending a strong, responsible, and balanced energy research and development program which provides the basis for our Nation's critical energy production and conservation efforts.

The bill contains authorization of new budget authority for Department of Energy research and development programs for fiscal year 1985 of nearly $3.34 billion. This amount is $166 million, or 5.2 percent, above the budget request, and $126 million, or 3.9 percent, above the fiscal year 1984 appropriation for these programs. I would like to point out that although it is above the budget request, the bill is well within resolution amounts. All the increases in the bill are in the energy technology areas, on order to continue existing programs. Increases above the budget in fossil energy, energy conservation, solar energy, geothermal energy, nuclear fission, magnetic fusion, electric energy and storage systems, and environmental R&D bring the technololgy programs to a total of $2.11 billion.

This is less than the fiscal year 1984 appropriation of $2.17 billion. In the basic research and general science programs the bill supports the budget request and the continuing policy of real growth in the scientific basis of the Nation.

Mr. Chairman, this bill is a continuation of policies adopted by the Congress in the past few years. And, unlike authorizations and appropriations of those years, its general thrust, particularly in the nonnuclear energy technologies, has also been agreed to by the administration. We are no longer engaged in fighting attempts to close out nonnuclear programs or reduce them to insignificant levels. The Congress' perseverance in providing steady funding for these programs has finally convinced the executive branch of their merit. Although we may not agree on specific funding levels, the existence of the programs is no longer in jeopardy.

I have always felt that research and development, to be successful, must be supported steadily over long periods of time. In today's climate it is difficult to sustain such support for energy R&D. Decreasing oil prices have made introduction of alternative technologies more difficult. Conservation has lessened world demand for energy.

Growth in electric demand has been erratic. Many, therefore, conclude that energy R&D can be reduced or deleted. In fact, the energy sector is in some disarray. No nuclear plants are being ordered, or any other central station powerplants for that matter. Backup synthetic fuels technology is under attack and is being reassessed. Exploration for oil and gas has decreased.

Why, then, is it necessary to do energy R&D? Absent a crisis, why worry? First, we still import large quantities of oil to support our economy. Although our oil does not now come directly from the Middle East, any disruption there will change existing supply patterns and overall availability. Such disruptions are possible at any time, as recent attacks on oil freighters show. Second, energy demand is increasing. Although we know that conservation actions have taken place, we do not know how much of the recent decrease in energy demand was due to world recession. Electric demand is increasing, and at some point electric capacity needs also to increase. Third, perceived and real problems with acid rain, current nuclear technology, substitution for scarce fuels such as oil and gas, and the need for increased energy efficiency indicate a need to continue research and development in energy. Our economic health and our national security depend on such activity.

I believe that with this bill we will maintain a balanced energy R&D program, one that will support our ultimate goal of energy independence, and one that is fiscally responsible in these times of severe budget constraints and high deficits.

Mr. Chairman, I want now to describe briefly the various component programs and funding levels contained in H.R. 5244. The legislation contains a fossil energy authorization of $324 million, which is $51.2 million above the budget request, but $5.5 million below the fiscal year 1984 appropriation. The major additions recommended are in fuel cells, MHD, gasification and liquefaction facilities, and coal-fired turbines. They represent a continuation of current commitments to fossil technologies.

Overall, the authorization for energy conservation is an increase of $28 million to the DOE request of $140.2 million, for a total of $168.2 million. The Department of Energy's fiscal year 1985 request for these programs was equivalent to the appropriation for fiscal year 1984, except for the automotive Stirling engine development program, the energy extension service, and the appropriate technology program. The authorization recommends sufficient funds for each to continue at a reasonable level in fiscal year 1985.

In solar energy the legislation provides an authorization of $190.5 million, which is $33 million above the DOE fiscal year 1985 request and $13

million above the fiscal year 1984 appropriation. In this area our major initiatives are for the Sacramento Municipal Utility District [SMUD] project for continued purchasing of photovoltaic cells and for R&D in solar thermal central receivers. Funds are also authorized for a cost-shared program for biomass gasification and a strengthening of solar resource assessment.

In geothermal energy the bill recommends adding $5.5 million to the DOE request of $27.1 million for a total of $32.6 million. An increase of $3.5 million is recommended for geopressured resources and an increase of $2.0 million for the hot dry rock program.

In nuclear fission R&D the legislation recommends an authorization of $487.7 million, which is $28.7 million above the budget request and $79.2 million below the fiscal year 1984 appropriation.

Significant changes from the budget request include the addition of $12.4 million for the high temperature gas-cooled reactor [HTGR] program with emphasis on the modular [HTGR] concept, $16 million for light water reactor [HWR] safety, advanced designs and extended burn-up fuels, $23 million for the development of breeder reactor fuel reprocessing technology, and $5 million for space reactor systems. These proposed increased are partly offset by a reduction of $35 million in the base breeder program.

Magnetic fusion is authorized at a level of $492.3 million, which is 4.6 percent above fiscal year 1984, and which includes an additional $9.2 million over the approximately $10.8 million already identified in the budget to support the next major fusion device, the Tokamak fusion core experiment [TFCX]. We are aware of the cautious response to new starts in this fiscal climate. Nevertheless, there is significant evidence that beginning this project in a modest manner in fiscal year 1985 will ensure that this country maintains international leadership in magnetic fusion energy.

A total of $40 million is authorized for electric energy and energy storage systems. This is an increase of $4.7 million above the budget for additional R&D in battery storage, thermal mechanical storage and electric systems technology.

This legislation provides $479.4 million for supporting research and technical analysis, of which $418.2 million is for the basic energy sciences program. In addition, the authorization in the general science and research area is $746.8 million, which includes $561 million for the high-energy physics program and $183.6 million for nuclear physics. These figures are in substantial agreement with the budget request and continue the policy, supported by both the administration and Congress, of real growth in basic research and science.

The legislation supports the new initiatives proposed for basic energy sciences, including the expanded supercomputing research, advanced computation efforts, advanced materials research efforts, and construction of high priority facilities.

In high-energy physics funds are authorized for preliminary studies for a superconducting supercollider, increased accelerator utilization, and continued construction of previously approved facilities. In nuclear physics the continuous beam accelerator facility [CEBAF] will be initiated.

The total amount authorized for the environmental programs is $15.6 million (7 percent) above the budget request of $228.2 million. The recommended increases are directed to maintaining research into the basic causes of cancer, cardiovascular disease, respiratory disease, and other health effects that are impacted by energy related technologies, and to nuclear medicine research, where studies are conducted in the use of radioactive drugs and nuclear technologies for the treatment of cancer and other human diseases. The potential benefits from this human health research are substantial and justify the modest funding increase.

In uranium enrichment, the authorization includes a program of $182 million, of which $33 million is to be obtained from currently available unobligated balances. It is the Department of Energy's contention that it must make a process selection choice on advanced enrichment technologies in fiscal year 1985. The Committee on Science and Technology believes that the "losing technology" from the 1985 decision must be funded at a healthy level as a meaningful backup approach and has recommended that a contingency fund of $73 million be set aside from fiscal year 1984 unobligated balances in uranium enrichment.

In fiscal year 1985 additional funding of $33 million is recommended from these balances in order to enhance DOE confidence in the fiscal year 1985 selection process.

For fiscal years 1986 and 1987, the legislation continues programs included in the fiscal year 1985 authorization amounts adjusted for inflation and the completion of several facilities now under construction. The total authorization for fiscal year 1986 is $3.534 billion and for fiscal year 1987 it is $3.654 billion.

Mr. Chairman, in conclusion, H.R. 5244 will provide the necessary balance, continuity, and stability that is required for this Nation's energy R&D program. Additionally, it authorizes funding that preserves prior Federal investments in facilities, technical expertise, and vital data, and it will help ensure that DOE-supported basic research remains preeminent and at the scientific frontier. I urge all my colleagues to join me in supporting its passage.

For the use of all members, I am including at this point in the record the summary of committee actions taken from House Report No. 98-686.

III. SUMMARY OF COMMITTEE ACTIONS—FISCAL YEAR 1985 DEPARTMENT OF ENERGY AUTHORIZATION—SUMMARY OF COMMITTEE ACTIONS: TITLE 1—FISCAL YEAR 1985 ENERGY R&D PROGRAMS

[In thousands of dollars]

	Fiscal year 1984 budget authority (estimate)	Fiscal year 1985 DOE request	Committee action	
			Changes to DOE request	Total authorization
Fossil energy:				
Operating expenses	323,040	263,370	+51,175	314,545
Capital equipment	1,500	4,500		4,500
Construction	5,040	5,000		5,000
Total, fossil energy	329,580	272,870	+51,175	324,045
Energy conservation:				
Operating expenses	132,135	106,498	+31,000	137,489
Capital equipment	1,500	13,300	−7,650	5,650
Construction	9,000	10,600	−4,000	6,600
Total, conservation	142,635	130,398	+19,350	149,748
Energy Supply R&D:				
Solar energy:				
Operating expenses	176,150	154,249	+22,836	177,085
Capital equipment	250	2,900		2,900

III. SUMMARY OF COMMITTEE ACTIONS—FISCAL YEAR 1985 DEPARTMENT OF ENERGY AUTHORIZATION—SUMMARY OF COMMITTEE ACTIONS: TITLE 1—FISCAL YEAR 1985 ENERGY R&D PROGRAMS—Continued

[In thousands of dollars]

	Fiscal year 1984 budget authority (estimate)	Fiscal year 1985 DOE request	Committee action	
			Changes to DOE request	Total authorization
Construction	1,500	0	+10,500	10,500
Total, Solar energy	177,900	157,149	+33,336	190,485
Geothermal energy:				
Operating expenses	30,459	26,687	+5,500	32,187
Capital equipment	0	400		400
Construction	0	0		0
Total, geothermal	30,459	27,087	+5,500	32,587
Nuclear fission (supply R&D):				
Operating expenses	518,682	425,681	+27,191	452,872
Capital equipment	32,200	25,575	+1,500	27,075
Construction	16,100	7,800		7,800
Total, nuclear fission supply R&D	566,982	459,056	+28,691	487,747
Magnetic fusion energy:				
Operating expenses	396,450	417,238	+9,200	426,438
Capital equipment	37,800	33,400		33,400
Construction	36,500	32,500		32,500
Total, magnetic fusion	470,750	483,138	+9,200	492,338
Electric energy systems and energy storage systems:				
Operating expenses	44,200	34,535	+4,665	39,200
Capital equipment	0	800		800
Total, EES/ESS	44,200	35,335	+4,665	40,000
Supporting research and technical analysis:				
Operating expenses	311,569	369,440	−230	369,210
Capital equipment	24,280	31,120		31,120
Construction	59,260	79,020		79,020
Total, supporting research	395,109	479,580	−230	479,350
Environmental R&D:				
Operating expenses	207,005	215,704	+15,550	231,254
Capital equipment	9,900	9,500		9,500
Construction	2,400	3,000		3,000
Total, environmental R&D	219,305	228,204	+15,550	243,754
Policy and management, energy research: Operating expenses, total	1,288	530		530
Geothermal resources development fund (GRDF); Operating expenses, total	2,100	121		121
General science and research:				
Operating expenses	478,750	528,405		528,405
Capital equipment	62,800	79,100		79,100
Construction	99,700	139,300		139,300
Total, general science	641,250	746,805		746,805
Nuclear fission (uranium enrichment R&D):				
Operating expenses	172,800	140,800	[1] +32,000	[1] 172,800
Capital equipment	12,900	8,700		8,700
Construction	3,600	500		500
Total, uranium enrichment R&D	189,300	150,000	[1] +32,000	[1] 182,000
Total, Title I	3,210,858	3,170,273	[1] +199,237	[1] 3,369,510
New budget authority			+166,237	3,336,510

[1] $32 million increase for Uranium Enrichment R&D is the net action of a reduction of $1 million in new budget authority and an increase of $33 million which is to be provided from existing unobligated balances in the Uranium Enrichment account and not from new budget authority.

TITLE II—FISCAL YEARS 1986 AND 1987 ENERGY R&D PROGRAMS

[In thousands of dollars]

	Fiscal year—			
	1985 DOE request	1985 committee action	1986 committee action	1987 committee action
Fossil energy:				
Operating and capital equipment			345,500	357,000
Construction			3,000	3,500
Total	272,870	324,045	348,500	360,500
Energy conservation:				
Operating and capital equipment			166,100	159,100
Construction			2,700	0
Total	130,398	149,748	168,800	159,100
Energy supply R&D:				
Solar energy:				
Operating and capital equipment			192,800	202,700
Construction			9,000	0
Total	157,149	190,485	201,800	202,700

TITLE II—FISCAL YEARS 1986 AND 1987 ENERGY R&D PROGRAMS—Continued

[In thousands of dollars]

	Fiscal year—			
	1985 DOE request	1985 committee action	1986 committee action	1987 committee action
Geothermal energy:				
Operating and capital equipment			34,700	32,400
Construction			0	0
Total	27,087	32,587	34,700	32,400
Nuclear fission:				
Operating and capital equipment			452,735	410,585
Construction			52,600	82,300
Total	459,056	487,747	505,335	492,885
Magnetic fusion energy:				
Operating and capital equipment			466,000	495,000
Construction			51,000	53,000
Total	483,138	492,338	517,000	548,000
Electric energy systems and energy storage systems: Operating and capital equipment, total	35,335	40,000	49,000	45,300
Supporting research and technical analysis:				
Operating and capital equipment			439,300	483,900
Construction			79,500	68,160
Total	479,580	479,350	518,900	552,060
Environmental R&D:				
Operating and capital equipment			257,460	270,342
Construction			3,150	3,300
Total	228,204	243,754	260,610	273,642
Policy and management, energy research: Operating expenses, total	530	530	557	585
Subtotal, energy supply R&D	1,870,079	1,966,791	2,087,802	2,147,572
Geothermal resources development fund (GRDF): Operating expenses, total	121	121	121	121
General science and research:				
Operating and capital equipment			701,100	782,300
Construction			57,500	34,800
Total	746,805	746,805	758,600	817,100
Uranium enrichment R&D:				
Operating and capital equipment			170,000	170,000
Construction			0	0
Total	150,000	[1]182,000	170,000	170,000
Total, title II	3,170,273	[1]3,369,510	3,533,823	3,654,393

[1] $32 million increase in fiscal year 1985 for Uranium Enrichment R&D is the net action of a reduction of $1 million in new budget authority and an increase of $33 million which is to be provided from existing unobligated balanced in the Uranium Enrichment account and not from new budget authority.

FOSSIL ENERGY: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $324,045,000 for fossil energy research and development, which is an increase of $51,175,000 over the Administration's request.

A. Operating expenses

In the specific subprograms, the Committee acted as follows:

1. Control technology.—Increased the Administration's request by $2,900,000 by decreasing the flue gas cleanup activity by $2,600,000, and increasing the gas stream cleanup activity by $1,500,000, coal preparation by $2,000,000, and cleanup base technology by $2,000,000.

2. Advanced research and technology development.—Increased the Administration's request by $2,000,000 to increase the direct utilization activity for fuel cells and redirected $2,500,000 from the processes, direct utilization, and technology cross-cut programs to long range materials work.

3. Coal liquefaction.—Increased the Administration's request by $9,200,000 to enhance indirect liquefaction by $3,650,000 and advanced process development by $5,550,000.

4. Combustion systems.—Decreased the Administration's request by $12,500,000 to provide an increase of $1,500,000 for use in atmospheric fluidized bed facilities and $1,000,000 for advanced combustion technology, and to reduce the request for the Tennessee Valley Authority (TVA) demonstration plant by $15,000,000. Funds for the TVA plant have already been appropriated.

5. Fuel cells.—Increased the Administration's request by $27,900,000 to continue the phosphoric acid, molten carbonate, and solid oxide programs at current levels.

6. Heat engines.—Increased the Administration's request by $5,000,000 to accelerate research on "fuel-flexible" turbines and coal-fired diesels.

7. Magnetohydrodynamics (MHD).—Increased the Administration's request by $7,000,000 to continue activity in the MHD program without large immediate cost sharing.

8. Surface coal gasification.—Increased the Administration's request by $6,500,000 to continue operating advanced gasifier facilities.

9. Advanced process technology.—Reduced the Administration's request by $700,000 to continue arctic and offshore technology at the fiscal year 1984 level.

10. Enhanced oil recovery.—Decreased the Administration's request by $2,125,000 to provide a 23 percent increase over FY 1984 in program funding.

11. Oil shale.—Increased the Administration's request by $2,000,000 for eastern shale technology.

12. Unconventional gas recovery.—Increased the Administration's request by $1,000,000 for eastern gas shales activity.

13. Fossil energy program direction.—Increased the Administration's request by $3,000,000 to allow for the return to personnel levels consistent with current programs and existing legislation.

ENERGY CONSERVATION: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $149,748,000 for energy conservation programs, which is an increase of $19,350,000 over the Administration's request.

A. Operating expenses

In the specific subprograms, the Committee acted as follows:

1. Buildings and community systems.—Increased the Administration's request by $8,500,000 for activities in building systems, community systems, and building equipment.

2. Industrial energy conservation.—Increased the Administration's requested by $5,000,000 for waste energy reduction, industrial process efficiency, and industrial cogeneration.

3. Multi-sector.—Decreased the Administration's request by $4,000,000 for energy conservation technology.

4. Transportation energy conservation.—Increased the Administration's request by $21,500,000 for the gas turbine and Stirling engine programs and for battery research.

B. Plant and capital equipment

The Committee reduced the Administration's request for capital equipment by $1,100,000 in building and community systems, $4,400,000 in industrial energy also decreased the Administration's request in transportation for construction of the High Temperature Materials Lab by $4,000,000 ($1,300,000 reduction in FY 1985 and $2,700,000 deferral to FY 1986).

SOLAR ENERGY: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $190,485,000 for solar energy programs, which is an increase of $33,336,000 over the Administration's request.

A. Operating expenses

In the specific subprograms, the Committee acted as follows:

1. Photovoltaic energy systems.—Increased the Administration's request by a net of $5,000,000 by decreasing materials research by $1,500,000 and increasing systems research by $6,500,000.

2. Solar thermal energy systems.—Increased the Administration's request by $7,000,000 by increasing central receiver R&D, distributed receiver R&D, and planning and assessment activities by $9,000,000 and decreasing materials and components by $2,000,000.

3. Solar building energy research.—Increased the Administration's request by $6,400,000 for materials and components R&D and for systems analysis and thermal science.

4. Wind energy systems.—Reduced the Administration's request by $5,500,000 by reducing aerodynamics and structural dynamics research by $6,500,000 and initiating a $1,000,000 cost-shared R&D program for small and intermediate size machines.

5. Biofuels energy systems.—Increased the Administration's request by $5,100,000 by increasing thermochemical and biochemical conversion, conversion technology transfer, and regional biomass programs by $6,100,000 and decreasing production research by $1,000,000.

6. Ocean energy systems.—Increased the Administration's request by $2,500,000 to continue all program elements at current levels.

7. Solar resource assessment.—Increased the Administration's request for this activity by $2,200,000 and identified it as separate line item.

8. Program direction.—Increased the Administration's request by $136,000.

B. Plant and capital equipment

The Committee provided $9,500,000 for phase III construction funds for the Sacramento Municipal Utility District (SMUD) photo-voltaics project and $1,000,000 to design a Solar Energy Research Institute (SERI) laboratory facility.

GEOTHERMAL ENERGY: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $32,587,000 for geothermal research and development, which is an increase of $5,550,000 over the Administration's request.

A. Operating expenses

In the specific subprograms, the Committee acted as follows:

1. Geopressured resources.— Increased the Administration's request by $3,500,000 to continue the well testing program and acquire and test a deep well.

2. Geothermal technology.—Increased the Administration's request by $2,000,000 to complete the hot dry rock research program.

NUCLEAR FISSION ENERGY (SUPPLY R&D): SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $487,747,000 for the nuclear fission energy (supply R&D) program which is an increase of $28,691,000 over the Administration request.

A. Operating expenses

In the specific subprograms, the Committee acted as follows:

1. Converter reactor systems.—Increased the Administration request by $31,691,000 for activities associated with the High Temperature Gas-Cooled Reactor (HTGR) Program, Light Water Reactor Systems, and Advanced Reactor Designs.

2. Nuclear waste technology treatment.—Agreed to the Administration request of $6,300,000.

3. Civilian radioactive waste management.—Agreed to the Administration request of $27,640,000.

4. Advanced nuclear systems.—Increased the Administration request by $5,000,000 for future development of the Space Nuclear Reactor (SP-100) program.

5. Breeder reactor systems.—Decreased the Administration request by $14,500,000. This decrease represents a reduction of $35,000,000 in the base breeder program, of which $20,000,000 will be redirected to the Fuel Cycle program in support of the Breeder Reprocessing Engineering Test (BRET) program and $500,000 will be redirected for an evaluation of a "dry" separation process for reprocessing spent nuclear fuel from light water reactors. A total of $3,000,000 will be added to continue activities in support of the thorium/uranium cycle. The Committee decreased the Water-Cooled Breeder Reactor program by $3,000,000.

University program.—The Committee authorized $5,000,000 for a new initiative for the purpose of extending and strengthening the role of universities in the Department of Energy's nuclear fission R&D programs.

B. Plant and capital equipment

The Committee increased the Administration request by $1.5 million for component testing for the High Temperature Gas-Cooled Reactor (HTGR) program.

MAGNETIC FUSION ENERGY: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $492,338,000 for the Magnetic Fusion Program which is $9,200,000 over the Administration request of $438,138,000.

A. Operating expenses

The increase was added to Confinement Systems to enhance the Tokamak Fusion Core Experiment (TFCX). A redirection of $2,500,000 was authorized for a cost-shared fabrication of high-strength, high conductivity, copper magnetic coils for use in compact toroid igntion experiments.

ELECTRIC ENERGY SYSTEMS AND ENERGY STORAGE SYSTEMS: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $40,000,000 for the programs of Electric Energy Systems and Energy Storage Systems which is $4,665,000 over the Administration request of $35,335,000.

A. Operating expenses

1. Electric energy systems.—Increased the Administration request by $268,000 to maintain base level of activity and staffing.

2. Energy storage systems.—Increased the Administration request by $4,397,000 to conduct work in nine specific activities and to provide adequate staffing.

SUPPORTING RESEARCH AND TECHNICAL ANALYSIS: SUMMARY OF COMMITTEE ACTIONS

The Committee auhtorized a total of $479,350,000 for Supporting Research and Technical Analysis programs, which is $230,000 less than the Administration's request.

A. Operating expenses

In the specific programs, the Committee acted as follows:

1. Basic energy science.—The Committee reduced photon and optical R&D funding at Lawrence Berkeley Laboratory by $1,300,000.

2. University research support.—The Committee increased the Administration's request by $1,070,000 by increasing University Reactor Fuel Assistance by $1,250,000 to study the conversion of reactors currently using highly enriched uranium to low enriched uranium, and reducing the administration's request for Energy Manpower Assessments by $180,000 to maintain the program at the fiscal year 1984 appropriation.

ENVIRONMENTAL R&D: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $243,754,000 for environmental programs, which is an increase of $15,550,000 over the Administration's request.

A. Operating expenses

In the specific subprograms the Committee acted as follows:

1. Environment, safety and health.—Decreased the Administration's request by $2,000,000 to slow the rate of growth in the nuclear safety element. The amount decreased ($2,000,000) was redirected to the biological and Environmental research program.

2. Biological/environmental research.—Increased the Administation's request by $17,550,000 to maintain long-term research in the areas of human disease, including cancer and cardiovascular studies, high altitude monitoring and risk assessement. The Committee also directed that $15,000,000 of the increase in this program be utilized to maintain the level of health effects research efforts at five dedicated laboratories.

GENERAL SCIENCE AND RESEARCH: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $746,805,000 for general science and research, which is in agreement with the Administration's request.

NUCLEAR FISSION (URANIUM ENRICHMENT R&D): SUMMARY OF COMMITTEE ACTIONS

The committee authorized a total of $182,000,000 for the Nuclear Fission Uranium Enrichment R&D program which is an increase of $32,000,000 over the Administration request. The $32,000,000 increase is a net action of a reduction of $1,000,000 in new budget authority and an increase of $33,000,000 which is to be provided from existing unobligated balances in the Uranium Enrichment account and not from new budget authority.

V. RESEARCH AND DEVELOPMENT—FISCAL YEARS 1986 AND 1987: SUMMARY OF COMMITTEE ACTIONS

[In thousands of dollars]

	Fiscal year—			
	1985 DOE request	1985 committee action	1986 committee action	1987 committee action
Fossil energy:				
Operating and capital equipment			345,500	357,000
Construction			3,000	3,500
Total	272,870	324,045	348,500	360,500
Energy conservation:				
Operating and capital equipment			166,100	159,100
Construction			2,700	0
Total	130,398	149,748	168,800	159,100
Energy supply R&D:				
Solar energy:				
Operating and capital equipment			192,800	202,700
Construction			9,000	0
Total	157,149	190,485	201,800	202,700
Geothermal energy:				
Operating and capital equipment			34,700	32,400
Construction			0	0
Total	27,087	32,587	34,700	32,400
Nuclear fission:				
Operating and capital equipment			452,735	410,585
Construction			52,600	82,300
Total	459,056	487,747	505,335	492,885
Magnetic fusion energy:				
Operating and capital equipment			466,000	495,000
Construction			51,000	53,000
Total	483,138	492,338	517,000	548,000
Electric energy systems and energy storage systems: Operating and capital equipment, total	35,335	40,000	49,000	45,300
Supporting research and technical analysis:				
Operating and capital equipment			439,300	483,900
Construction			79,500	68,160
Total	479,580	479,350	518,800	552,060
Environmental R&D:				
Operating and capital equipment			257,460	270,342
Construction			3,150	3,300
Total	228,204	243,754	260,610	273,642
Policy and management, energy research: Operating expenses, total	530	530	557	585
Subtotal, energy supply R&D	1,870,079	1,966,791	2,087,802	2,147,572
Geothermal resources development fund (GRDF): Operating expenses, total	121	121	121	121
General science and research:				
Operating and capital equipment			701,100	782,300
Construction			57,500	34,800
Total	746,805	746,805	758,600	817,100
Uranium enrichment R&D:				
Operating and capital equipment			170,000	170,000
Construction			0	0
Total	150,000	[1] 182,000	170,000	170,000
Total, title II	3,170,273	[1] 3,369,510	3,533,823	3,654,393

[1] $32 million increase in fiscal year 1985 for Uranium Enrichment R&D is the net action of a reduction of $1 million in new budget authority and an increase of $33 million which is to be provided from existing unobligated balances in the Uranium Enrichment account and not from new budget authority.

□ 1540

Mr. FUQUA. Mr. Chairman, I reserve the remainder of my time.

Mr. WINN. Mr. Chairman, I yield myself such time as I may deem necessary.

Mr. Chairman, I rise in opposition to H.R. 5244, the Department of Energy Civilian Research and Development Act for fiscal years 1985, 1986, and 1987.

The reason for my opposition is the fact that the bill proposes funds in an amount which exceeds Department of Energy requests by more than $200 million. I realize that we will hear someone say, "But it's just $200 million," or "But it's just an increase of 6 percent."

Well, Mr. Chairman, that is exactly how we got to where we are. A deficit of $200 billion is an occurrence which is incomprehensible to many of us. But we get that kind of thing by these increases of 6 percent, or a million here and a million there.

When the Science and Technology Committee reviewed the Department of Energy request early this year, I heard a rumble or two of discontent. So, I offered to meet with those Members who were discontented. I suggested that we would add funds to those programs perceived to be inadequately supported. It was my firm belief that the total amount requested by DOE was satisfactory, so those added funds would come from other programs which had been too generously endowed. It was merely a matter of changing priorities based on our knowledge of all the programs.

There was no response to my suggestion. Instead, when we marked up this bill in subcommittee and full committee the malcontents simply added money to everything. This really does not solve a problem because, eventually, we face an absolute limit to available funds. We must then stop this practice and programs are denied extra support which that have come to expect. Actually, then, continued addi-

tional funding harms the recipient. Also, the committee's ability to make meaningful decisions can be justifiably questioned. And further contribution is made to the national deficit.

Through all my years on this committee I have heard many scientists strongly request multiple-year funding. I suspect we have all been advised that projects and science investigators are greatly hampered, lacking assurance that funds will be available for the length of an experiment. So, I commend our committee chairman, DON FUQUA, for the multiple-year aspects of H.R. 5244. The 3-year span proposed here would, if adopted, promise support continuity not available on a year-to-year basis. It appears, however, that the outyear increases are projected at somewhat higher rates than our present 3.5 percent inflation rate. So, some adjustment should be made.

Mr. Chairman, I reiterate my opposition to H.R. 5244. I look forward to the opportunity to support an amendment reducing this legislation to the funding level requested by the Department of Energy.

Mr. FUQUA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I would like to take a brief moment to reiterate a point made by the gentlewoman from Tennessee. The $5 million Nuclear Engineering University Program is imperative if the United States is to develop efficient, effective uses or nuclear power which are accepted by the general public as safe in the future. Most experts agree that it is time for us to invest in further research and innovative development of this energy source. We have learned that one-time large plants, such as the Clinch River breeder reactor, are expensive to the point of being prohibitive, and require immense resources in design and engineering. In the future, I expect we shall opt for smaller, less expensive plants where the design can be perfected and several plants can be built from the same specifications. This is just one example where further study is needed, but this transition will require trained engineers and scientists.

Our universities are having difficulty maintaining and attracting high caliber students to their programs. Several department heads at universities around the country have expressed their need and support for increased student participation in the nuclear engineering field. The costs of running such programs are high. Students are weighing the financial costs against the possibility of near-term employment when they complete the program. With the nuclear power industry seemingly adrift at this time, there is little incentive for talented young people to enter this field.

The university program which we are supporting today attempts to fill this gap in the supply of professionals which will form between now and the time when nuclear power is once again in demand. These funds would be used to enhance existing educational programs, with a portion used for financial aid to talented scholastic achievers.

Mr. Chairman, the President and the Nation have placed a renewed priority on science, research and education. Several good programs are being implemented, but the need for education support in nuclear fission engineering is not being met. While the National Science Foundation supports general education in many of the sciences, it has not to date expanded its support in nuclear engineering to any great extent.

At present, the Department of Energy's Nuclear Fission Program's proposed budget contains less than 1 percent for university support. The total appropriated nuclear budget is approximately $626 million. However, even with the $5 million within this bill directed toward university funding, the university support percentage would still be under 1 percent of the total nuclear fission budget. Other programs, such as the Magnetic Fusion Program in the Department of Energy, direct close to 10 percent of their funding toward universities. This $5 million is not a large portion.

Mr. Chairman, this university program is vital to maintain a pool of qualified nuclear engineers. Without these trained professionals, we will be unable to conduct the research and development necessary to maintain a viable nuclear program. I commend the gentlewoman from Tennessee for the foresight she has exhibited with this proposal and stand in full support of this small but vital university program. I encourage my colleagues on both sides of the aisle to support this investment in the future.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this legislation, as has been mentioned, addresses the research and development projects programs in the energy area, such as the basic research program, uranium enrichment, the environment, and nuclear physics.

These programs provide the basic data from which have come such results as faster computers, improved materials, more accurate instrumentation, lower combustion emissions, and superconducting magnets.

The research and development authorization request received from the Department of Energy for these various programs totaled $3.170 billion. Again, as in years past, the administration strongly supported basic and applied research. Less emphasis was provided for development and other low-risk projects.

A total of 26 hearings were devoted to Government and outside witnesses and to mark up our evaluation of the DOE authorization request. The minority fully participated in those hearings. As a matter of fact, minority interest was evidenced by the fact that we attended these hearings in greater total number than did the majority. The minority put together some very firm viewpoints based upon our experience in those hearings. We became convinced in the course of the hearings that the DOE request, that $3.17 billion, was in fact adequate in terms of total funding. We continually offered to work with the majority on program priorities which held to that total funding request. We thought that there were some areas where we could beef up funding within the total funding request by subtracting funding from other areas, and we looked to do that. Although we made those kinds of offers, we received no response to those particular offers. Instead, what this bill is is a case of the majority solving all of the perceived program problems by adding money, not by reallocating funds.

The committee bill, H.R. 5244, exceeds the administration's budget request in this area by over $200 million. The bill also exceeds the fiscal year 1984 appropriation by $174 million or 5.4 percent. At our present inflation rate of just over 4 percent, H.R. 5244 transcends anticipated cost increases.

Both the Interior and Energy and Water Appropriations Committees in the House have completed their DOE research and development bills. They exceeded the DOE request by $100 million. So the Science and Technology Committee and the majority on that committee will attempt to reduce H.R. 5244 by $100 million to get in line by amendment later on in this process.

It should be reiterated that the original DOE authorization request was a reasonable request, in our view; $3.2 billion is enough to do all that must be done. Therefore, an amendment will likely be offered to the amendment offered by the chairman of the committee that will reduce the revised bill by 3.1 percent in order to get it back to that DOE authorization level.

We further understand that the chairman intends to introduce an amendment to H.R. 5244 which will authorize the move of $2 billion from the Synthetic Fuels Corporation to the Department of Energy. Those transferred funds are expected to be used for process development; in other words, they want to build pilot plants for certain select energy activities.

I question this latest episode of reprogramming the taxpayers' money, I question the ideas behind it in this

manner of moving funds. If we do not intend to use the funds for the purposes originally intended, we should be reducing the deficit with them. If we see a $2 billion technology need in the DOE, let us explore that funding deficiency in some detail, at least with more than two or three committee hearings.

□ 1550

We are talking big money here, and we should proceed prudently. Then we can effectively provide the oversight which is expected of us as the funds get spent or not spent, as the case may be. Without proper hearings, on this spending proposal, I will have no choice but to oppose the chairman's proposed amendment.

Mr. FUQUA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. I thank the gentleman for yielding time to me, and I would like to engage the gentleman in a colloquy at this point.

The report accompanying H.R. 5973, the Department of the Interior and related agencies appropriations bill for fiscal year 1985, contains language stating that, "Within available funds, the committee recommends up to $1,000,000 to demonstrate at laboratory scale the technical and economic feasibility of the purged-carbon process."

Is it the gentleman's understanding that this appropriations report language can be accommodated by the level of funding in H.R. 5244?

I yield to the gentleman for his response.

Mr. FUQUA. Yes; it is my understanding that there are sufficient funds authorized in H.R. 5244 to accommodate the appropriations report language on the purged carbon process.

Mr. BOUCHER. I thank the gentleman, and I rise in support of the bill.

Mr. FUQUA. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition, both for myself and on behalf of the gentleman from Michigan [Mr. DINGELL] of the proposed amendment to transfer $2 billion from the Synthetic Fuels Corporation appropriations to the Department of Energy, in its present form. That is, the form that was circulated by letter July 25 from Chairman FUQUA to the members of the Science and Technology Committee.

In subsequent discussions with the chairman, I understand that he is considering some revisions, and I will be happy to work with him. I basically would like to see additional funds devoted to research and development projects, I am not speaking for Mr. DINGELL at this point, to solar and conservation that have been severely cut by a combination of the actions of the administration and then the budget stringencies that were imposed upon us by the huge deficits that we have.

On synthetic fuels research and development, I really think that we ought to be building pilot and demonstration plants, and the industry believes so too, rather than rushing to commercialization where that technology, at the present time, is totally unfeasible. I am not unsympathetic to what the gentleman from Florida says he wants to do. But the draft that was circulated, it seems to me, is just grossly deficient. It gives this $2 billion to the Department of Energy apparently without any kind of restriction whatsoever. Without the need for further authorization or appropriation. That is a huge amount of money to be giving to the Department of Energy in the same kind of unaccountable manner as we have that money to the Synthetic Fuels Corporation.

All that is required by the draft to which I refer is that individual projects come to Congress and be submitted 30 days before they go into operation. I just do not think that the track record of the Department of Energy is sufficiently good to allow them that kind of untrammeled discretion.

As presently drafted, in the draft to which I refer, the projects would not be limited; solar conservation and fossil fuel projects. But in the language of the actual draft it says advanced energy technology. The term which can be financed by this $2 billion includes but is not limited to any technology under the Non-Nuclear Act. That means that one could see a revival of some of the Department's favorite nuclear projects that the Congress has rejected with these unrestricted funds. You could revive Barnwell; you could revive other projects, maybe even the Clinch River breeder reactor without our being able to do more than to see it for 30 days. I think that would be clearly against the wishes of this body.

I am also concerned, and I think it needs attention, to the so-called 50-50 split that is called for in the legislation. Even though the amendment would have that 50-percent limitation, it is entirely possible that the Federal Government could end up bearing the entire project cost at $600 million for each project. This is because of tax benefits available to private industry in this area, such as interest deduction and investment tax credits. These could result in revenue losses to the Government well in excess of a supposed private share of project costs.

As I said before, I have other problems with this as well. I would be perfectly willing to work with the gentleman from Florida to achieve what he said was the original objectives; but in its present form, I do not think it is in a form that we could possibly accept.

This $2 billion is proposed to be given the Secretary of Energy without further authorization or appropriations—individual projects just must be reported to Congress 30 days before proceeding.

The amendment, circulated to Science Committee members on July 25, increases the DOE R&D authorizations by 60 percent and duplicates existing programs at the Department of Energy. It will provide an opportunity to resurrect failed demonstration projects and to start new ones, bypassing authorizations and appropriations.

The procedure under which this amendment is being considered is as unwise as its substance. The appropriations for the Energy Department have already been approved, and yet we are now considering a bill to authorize those funds. It is clear that the bill is little more than a floor vehicle for an amendment—an amendment far more significant than the bill itself. There have been no hearings or markup of this suggested $2 billion program in any committee. It is just such a lack of consideration that caused many of the problems in the synthetic fuels legislation.

It is tempting to say that anything is better than letting the Synthetic Fuels Corporation spend the money, but that is not the case here. This creates a slush fund equally as unaccountable as the Synthetic Fuels Corporation itself.

Each year we are forced to confront difficult decisions in energy funding in light of fiscal restraints. The Fuqua amendment would eliminate this fiscal discipline and replace it with a $2 billion blank check to the Department of Energy.

That is too much to swallow—even for those of us who don't like the Synthetic Fuels Corporation.

Mr. FUQUA. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I would like to begin my remarks first, as a member of the Energy and Water Subcommittee of the Appropriations Committee that in part appropriates the authorizations of the Committee on Science and Technology, by thanking the gentleman and the other Members on a bipartisan basis for the cooperation the gentleman has shown us through the years. It is not unusual for us to go several years in a row without an authorization bill, and yet the cooperation between our two committees has been continuing and positive and we have been able to work out accommodations with the obvious conflicts that sometimes occur, usually put in abey-

ance for the betterment of the entire legislative process. So, I know I speak for the other members of our subcommittee on a bipartisan basis, Mr. MYERS and Mr. BEVILL particularly, for the good work the gentleman does and the leadership he shows.

I am particularly happy to stand here today in support of this legislation. The consensus for a national energy policy has recently been severely buffeted. Initially, I think by this adminsitration's rejection of renewable energy as an option, and now by its continuing rigidity on the question of the transfer of any research and development into the commerical sector except nominally nuclear.

We have seen continuous attacks by a number of people on renewable energy tax credits until recent pro forma support during the recent tax bill, and I think also real reductions in the renewable energy research and development budget from say, $557 million actual in 1981 to a proposed $72 million for 1983, a figure, I am glad to say, that we have rejected and increased.

The Congress has made substantial restoration, but the pressures are so great that we still fall far short of capitalizing on the over $3 billion we have devoted to renewable R&D since 1975. Of course, we debated at length last week what to do about the destruction of the Synfuels Corporation. In that context, I would like to indicate my support for the amendment that the gentleman intend to offer to the Synthetic Fuels Corporation when this bill comes to the floor.

The $2 billion setaside which is directed toward the uses of solar, fossil or geothermal energy or the demonstration of conservation techniques, with the matching private funds, I think is a direction that all of us can support, and hopefully, it will be supported on a bipartisan basis on this floor.

□ 1600

But it seems to me important at this point to point out that there have been some tremendous losses occurring in this country to our private sector markets, given our abandonment of some technologies that proved to be particularly useful, technically capable, and yet at the same time far more aggressively pursued in other countries.

For example, the photovoltaic world market has risen very fast from virtually nothing in the NASA days to 18 megawatts now, but our U.S. share has dropped from 90 percent of the market to something below 50 percent in a few short years, with Japan and Germany, mostly Japan, frankly, absorbing the increase in that market share, building on our own research base, a research base that was put together by the U.S. taxpayer.

Whereas, it once appeared likely that photovoltaic plate costs could be reduced to a commercially competitive $2.50 per peak watt-hour in the next few years, the uncertainty plaguing the market has now thrown that into doubt. Uncertainty is caused somewhat by the decline in oil prices from $32 to $29 a barrel, but more by the disadvantageous investment climate here and the cessation of a Federal commitment to help stabilize that climate.

At least two photovoltaic projects in California are basically on hold, pending some sort of favorable clarification of the economics of alternative energy forms in the next few years. A similar uncertainty weighs against completion of a large, commercial-scale solar thermal central powerplant, as well as decentralized solar thermal projects in two instances.

We are on the verge of success or failure economically of residential solar systems that can both heat and cool, thus greatly expanding the cost efficiencies of residential solar investments.

Foreign nations are setting up subsidiaries in the United States to position themselves for the vast U.S. market and take advantage of our declining commitment to meet those commercial opportunities ourselves. Some of these firms are beginning to land significant Government contracts.

Mr. Chairman, I mention the above not only for their own sake but as a way of indicating how important it is that this energy authorization pass. If it does, it might signify that the Nation is trying to get back on the track with a national energy policy.

Mr. WINN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER], a member of the Committee on Science and Technology.

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

Mr. Chairman, when this session of Congress closes, the gentleman from Kansas, who has been the leader of the minority, will be retiring from Congress, and speaking for those of us on the minority side, he is going to be a person much missed on our side.

He has been our leader through some difficult times when levels of spending have been proposed to be reduced in many of the programs that he deeply believes in, or where at least funding decreases were proposed. He has had the mission, working on our committee, of remaining loyal to the much needed goals of trying to see that spending is reduced while maintaining his long dedication to the advancement of science and technology, and that has been a tough role. No one could have carried that burden better than did LARRY WINN.

As our leader, he has been tireless and he has been effective in his work on this committee. Ours has been a membership where we have had several new members coming into the committee on the minority side each and every Congress, and that has meant that LARRY has had to be skillful in both leading the uninitiated while making certain that the minority position was always effective as a part of our policy.

He has been a leader and a teacher as well as a legislator, and we on the minority side on Science and Technology will miss him. More important, his country is going to miss his leadership and his service. Science and technology is stronger today because of the work he has done. This country's future is stronger because of the way he used his skills to address the future through the work of our committee.

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

Mr. WALKER. I will be very glad to yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman from Pennsylvania for yielding.

Mr. Chairman, I would just like to say as a fellow prospective retiree that I, too, greatly admire the work of the gentleman from Kansas. He has always been a gentleman to work with. Even though we have not always agreed on the substance of energy policy, he always acts with knowledge and dedication in the best interests of the country.

I certainly join in wishing him well and in expressing our gratitude for his great contribution to the committees of the Congress.

Mr. WALKER. I thank the gentleman. We, indeed, have been on different sides of the issues from time to time, but I would say to the gentleman that we have always enjoyed working with him, too, because despite the fact that we have disagreed, I think that the debates that have taken place in the committee with him on several issues relating to nuclear energy and other forms of alternative energies have been useful to the country.

We are sorry to see him leaving, and we will miss his leadership in many of these areas, too.

Mr. OTTINGER. I thank the gentleman for his kind words.

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

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

Mr. FUQUA. I thank the gentleman for yielding.

Mr. Chairman, I also want to join in expressing our regrets to two of our distinguished colleagues, the gentleman from New York [Mr. OTTINGER] and the gentleman from Kansas [Mr. WINN] who will be leaving us at the end of this Congress.

Both of these gentlemen have left a very important mark on the Committee on Science and Technology. LARRY WINN has been on the committee since 1966, when he was elected to Congress, and we have served on either the same subcommittee or, while I was chairman, he was the ranking minority member for all these many years.

I just could not let this moment go by without expressing my gratitude for having known a person like LARRY WINN, whose integrity is impeccable, his character is outstanding, and not only that, he is blessed with a good wife. Like many of us, he overmarried when he got married.

We have traveled all over this country and other countries, and I know the dedication that he has put into this, and particularly into America's space program when there were some lonely days back in the 1970's when we did not have a firm commitment and missions going at that time. LARRY WINN was always a person we could count on. He was there and he had good and sound judgment.

I just want to say, LARRY, that I know Nancy and I are going to miss you, and we will miss you being here, but we hope to see you many times, whether it be in Kansas City, or back here in Washington, or wherever it is. I think the Congress and the country has been better off by people like LARRY WINN serving.

Mr. WALKER. I thank the chairman of the committee. The chairman is indeed right in mentioning the space program. I think many of us, from the perspective of this committee, know that a large part of America's future lies in space, and the fact that there were people like LARRY WINN who took the leadership role in some of the dog days of the program and made certain that the program survived and, in fact, grew, the tribute to the Nation's future will be to that kind of determination.

LARRY, we really will miss you in the Congress.

The CHAIRMAN. The Chair will advise the gentleman from Kansas [Mr. WINN] that he has 16 minutes remaining and the gentleman from Florida [Mr. FUQUA] has 12 minutes remaining.

Mr. FUQUA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas [Mr. ALEXANDER].

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

Mr. Chairman, I congratulate the gentleman from Florida [Mr. FUQUA] for his leadership in the field of energy research and development. Not so many years ago I was privileged to have been appointed a member of the National Alcohol Fuels Commission. I am often introduced as a former member of the National Alcoholic Fuels Commission. The NAFC published its findings in 1981. This was a serious effort to report to the Nation on the current state of the art of nonfossil fuel technology and its prospect of success for developing a commercially feasible liquid fuel alternative to gasoline. Our goal was, and remains energy independence. Many casual observers think alcohol fuels have passed from the scene because of economic infeasibility. But the fact is that alcohol blended gasoline sales in the United States have increased over 500 percent since 1981. Today more than 10 percent of all the gasoline sold in the United States contains either ethanol or methanol.

In my own State of Arkansas there is a cellulose to ethanol process that originated with U.S. Army research, Natick, MA, and further improved Gulf Oil Corp. The research continues at The University of Arkansas Biomass Research Center. An enzyme known as trichoderma reesei is introduced to a feestock composed of urban waste, agricultural trash, and paper pulp effluent discharged from wood pulp manufacturing of paper products. The emulsion is broken down by enzymes then distilled into ethanol, which burns free of most positions contained in gasoline exhaust to which our people are now exposed.

This process uses enzyme conversion of the cellulosic materials in biomass to form sugars such as flucose which can be easily converted to ethanol. This chemical can be used as a major fuel additive or an organic chemical building block. This process technology has been proven technically feasible and projections of economic viability are very promising. A plant has been built and operated successfully at a 1 ton of feedstock per day scale. Various key steps in the process have also been tested in large-scale vendor's equipment.

The only thing which is keeping this from happening today is a commercially sponsored research demonstration project which can build a plant to demonstrate whether or not it can compete with fossil fuels.

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We have the technology. We just do not have the capital to demonstrate its commercial competitiveness with fossil fuels. I understand that the gentleman's amendment will permit this type of cellulose to ethanol demonstration to be possible by creating a special fund within the Department of Energy.

It is now imperative that this critical process which I have just described be tested at an intermediate, noncommercial level of 50 tons of feedstocks per day. Operation of such a plant would allow full definition of design and technical parameters which would lead to widespread, commercial utilization of these waste materials if operated successfully.

A commitment by the Government to assist in this effort by providing funds should be made immediately for the following reasons:

First, the feedstocks are renewable on an annual basis unlike fossil fuels.

Second, the feedstocks are available in large quantities with a possible 40 billion gallons of ethanol or other equivalent chemical amounts possibly produced.

Third, combining waste disposal and energy/chemical recovery process offers recycling opportunities as well as improved disposal technology, often at lower cost.

Fourth, such an industry would be independent of foreign price controls and regulations.

Fifth, only scale-up experience and not technological breakthroughs are required to develop the SSF process to commercial status.

Sixth, the ability of the United States to respond to national defense emergencies would be enhanced with a broader feedstock base for liquid fuels and chemicals.

Seventh, since there exists over 1,000 potential commerical plan sites in the United States, a significant economic impact in job opportunities would be achieved.

In the last 5 years biomass technology has been studied and fine tuned in great detail by our scientists. It is time for our leadership to seize this opportunity to lead the world in a commonsense approach to making better use of our resources by supporting construction and operation of this first-of-a-kind, 50 TPD demonstration plant!

Our scientists and engineers are poised and ready with designs in hand to enthusiastically move forward with the development of this vitally important technology.

And there is much more that can be done. The action last week to direct the further reduction in lead content in gasoline will accelerate the trend.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. ALEXANDER] has expired.

Mr. FUQUA. Mr. Speaker, I yield 2 additional minutes to the gentleman.

Mr. ALEXANDER. Mr. Chairman, I wish to congratulate the gentleman for his amendment which will transfer $2 billion from synfuels for that purpose.

I supported synfuels when it did not embrace this specific experimentation for ethanol research, because I think that all forms of energy research are essential in order for our Nation to seek the goal of energy self-sufficiency. Now I applaud the gentleman's amendment which will broaden the scope of the energy research and development.

To respond to the criticism of the gentleman from New York [Mr. OTTINGER], and I do not criticize him be-

cause he is a very fine, diligent, dedicated, and sincere Member of this body, but I seek to respond to the gentleman's concern about the mismanagement or the lack of management prowess on the part of the Department of Energy. All of these energy projects which are to be considered by the Department of Energy are subject to an appropriation and, therefore, subject to the appropriation review process, which is very thorough and very complete in this body. I hope that assuages some of the gentleman's concerns, because I would not want people to be confused that we are just turning $2 billion over the Energy to fritter away on some project which is not reviewed by the House of Representatives and the Appropriation Committee.

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

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

Mr. FUQUA. Mr. Chairman, I appreciate the gentleman yielding.

I also appreciate the point the gentleman is making in clarifying that we are not acting in some reckless fashion turning $2 billion over to somebody to spend in any way that they so desire. It will go through the regular appropriation process. It is over a 3-year period of time and I think it provides the necessary tools that the Congress needs to act in a prudent and fiscally sound fashion and I appreciate the gentleman making that point.

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

Mr. FUQUA. Mr. Chairman, I yield 1 additional minute to the gentleman.

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

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

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

I think it is also to put on the record at this time, and I gathered this from reading the amendment in greater detail, that Chairman FUQUA makes very clear that this is targeted for other than nuclear applications. Not to be critical of that element of the energy problem solution that we must face in this country, but it is clear from reading the amendment and the intent of the chairman I am sure is also clear that we are talking about alternative energy. We are talking about things that have not necessarily gotten a great deal of attention in the appropriation process or through the use of tax credits, not at least to the extent they have been needed.

Mr. FUQUA. Mr. Chairman, if the gentleman will yield further, the point the gentleman from California is making is absolutely correct. We tie this to the Non-Nuclear Energy, Research and Development Act of 1974, and attempt to make it very clear that it is for nonnuclear activities, and more specifically for renewable sources of energy, solar, geothermal, conservation, fossil, and those types of programs, and not including any for the nuclear program.

Mr. ALEXANDER. And of course, that would include ethanol as well and ethanol research.

Mr. WINN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank my colleagues for the accolades given me a few minutes ago, but I do want to point out that our space program is healthy. As we have seen all this past week from Los Angeles, we are No. 1, but we have got to keep it that way, and we have got to do it based on the priorities of the Members of Congress in conjunction with NASA and the administration, particularly in view of the international competition that we now face with the rating.

● Mr. YOUNG of Missouri. Mr. Chairman, I rise in support of H.R. 5244 and commend the chairman, DON FUQUA, and our subcommittee chairman, MARILYN LLOYD, for their work in drafting a carefully prepared authorization bill and report. Mr. Chairman, among the energy R&D programs, H.R. 5244 provides for continuation of the Magnetic Fusion Energy Program. The Fusion Program is the energy development analog of the Apollo Program which demonstrated this Nation's superiority in high technology.

But now, just 15 years after that day of glory on July 16, 1969, when Apollo 11 made the dramatic landing on the Moon and mesmerized the world, we find an administration which no longer believes in focusing this technology development program for its next crucial step.

There are those who say we will not have a commercial fusion plant for 50 years. This will serve as a self-fulfilling prophesy if we just stand by without concentrating on specific objectives such as the Tokamak fusion core experiment [TFCX].

The TFCX is the next machine which the United States should build and there is an overwhelming U.S. consensus on this project. Yet, there are those in the administration who say there is no energy shortage even though we imported 4.7 million barrels of oil per day in the first quarter of this year. That is 56 percent above the amount imported during the same period last year. Our citizens paid $134 million every day to foreign entities for this energy resource. How do the fusion budget cutters rationalize this as economically beneficial?

In the zeal to cut our Federal budget by deleting future project commitments, we stand to lose all the prior investments in fusion energy made by the citizens of this country; not only in dollars, but in the long hours of dedicated labor and finely developed expertise on the part of some of our brightest people. Can we afford to squander these vital investments in people and facilities?

Certainly, we must trim expenditures significantly, and Chairman FUQUA's amendment will reduce this program to the lowest reasonable level, but can we no longer differentiate between wheat and chaff? Must we ruin a program that is just now entering a solid engineering development stage by tying TFCX activities to the prospects for international cooperation? In other words, must our next step be taken according to the terms of either the Japanese or those of the Common Market countries?

Some say fusion is just a science program without a purpose. They say it has no commercial promise. Others say there will be no fusion reactor for the next 50 years. Well, they are both wrong. I invite your attention to the following major accomplishments which have been made in the U.S. program during the last year.

First, at MIT, using the Alcator-C, the degree of confinement necessary to make energy breakeven was demonstrated for the first time.

Second, in the mirror program at Livermore, the formation of a thermal barrier to end particle leakage and related energy loss was demonstrated.

Third, the TFTR project was completed at Princeton. The TFTR device has already demonstrated the longest sustained plasma confinement in the world, 10 times longer than previous confinement periods.

Fourth, a record high beta plasma which is indicative of the particle density level of the plasma, in the 4- to 5-percent range, was demonstrated in the doublet device in San Diego; that is the beta needed for ignition in a reactor.

Fifth, higher power densities are promised through the results of work on the reverse field pinch at Los Alamos. This can lead to simpler design concepts and less costly reactors.

Sixth, at Oak Ridge, three superconducting coils suitable for fusion reactors have been successfully tested. This has been an international program with outstanding contributions made by German, Japanese, and Swiss firms as well as General Dynamics of the United States.

Finally, what this body should understand is how fusion energy is driving major breakthroughs in industry. I would like to cite just one example from many cases. Chicago Bridge & Iron was given a contract to make a vacuum chamber for a new fusion device to be built at the Oak Ridge National Laboratory. Chicago Bridge & Iron's close teamwork with the Oak Ridge National Laboratory resulted in a degree of precision in casting and

fabrication never achieved before in a device of this kind.

During this year's hearings, we were impressed by the commitment expressed by Mr. Harold Motchan, vice president of engineering at McDonnell Douglas Astronautics Co., who said, "Industrial organizations have supported the fusion program with tens of millions of dollars over the past decade because of its great promise. We feel it is necessary to stop this 2-year cycle of definition and then rejection. The TFCX conceptual design should be started immediately by Princeton Plasma Physics Laboratory with industrial teams selected through competition." I believe we would be wise to follow the advice of Mr. Motchan.

In closing, Mr. Chairman, I urge my colleagues to visit these national laboratories and industrial facilities and learn more about this exciting program and the stakes in the near-term program decisions. I urge you; don't let us become second or third best in fusion.●

● Mrs. LLOYD. Mr. Chairman, this bill, seen from the perspective of my Energy Research and Production Subcommittee, is an attempt to reorient the nuclear fission R&D program through several key initiatives. It also constitutes a strong policy directive with respect to the next step in the magnetic fusion energy program, independent of the budget level, over the next several years. I appreciate the fact that I have had the strong support and, in fact, day-to-day cooperation of the committee chairman, Mr. FUQUA, in both these efforts. This budget cycle's authorization deliberations have presented an opportunity for the Science and Technology Committee to suggest a nuclear fission and fusion policy direction to the whole House. The administration understands that it cannot develop such a policy in a vacuum and it will require continued discussion among the Congress, the administration, the industry, and the utilities to arrive at a genuine national concensus on nuclear policy.

The centerpiece of our committee thrust in nuclear fission R&D is to insist that the DOE explore passively safe reactor systems. Such systems have also been referred to as inherently safe reactors [ISR's]. Our understanding is that at least $16 million of the $34.6 million for the HTGR Program will be devoted to an ISR concept, the modular HTGR. We have also strongly suggested to the Department that other advanced concepts, such as the modular liquid metal reactor, be pursued in the context of an advanced reactors program which includes passively safe reactors. I should emphasize here that what has been commonly referred to as the breeder base technology program is in fact a liquid metal reactor [LMR] technology program, and that the transition reactor design which will evolve from this program is, in fact, a transition LMR. Breeding considerations for such reactors will not be an important aspect of that program until well into the first quarter of the next century. Indeed, the loss of Clinch River, although a blow to this Nation's commitment to nuclear development, has stimultated more innovative thinking and program planning than we have seen in many years within both the nuclear program and the liquid metal technology program. The committee also made the strong statement that closing the fuel cycle must be an integral element of this activity. To this end, we have provided $20 million for the breeder reprocessing engineering test [BRET] at Hanford, WA, and would urge the Department to consider the possibility of reprogramming funds to enhance the $5 million now appropriated for fiscal year 1985. The LMR technology program is not defensible without this key fuel cycle element.

Another committee initiative, which is of particular concern to me as a member of both the Science and Technogy Committee and the Armed Services Committee, touches on the whole range of civilian and defense-related space missions which will call for increasing levels of power over the next several years. Whether one is completely supportive of the strategic defense initiative [SDI] or not, one must recognize that these missions will have power requirements from 100 kilowatts steady state through tens of megawatts delivered in short pulses from systems all capable of operating for 5 to 7 years. Unfortunately, the funding for the DOE program is severely limited by OMB and the overall DOE/DOD/NASA effort is being constrained so that several years from now a massive funding spike will be required to accommodate any realistic timetable for development of civilian and defense systems. We would also urge the Department to carefully consider additional fiscal year 1985 funding for the SP-100 program so that the system choice, to be made in late fiscal year 1985, is not biased toward the most heavily funded R&T activity.

Also, in nuclear fission the committee identified the fact that the health of our nuclear engineering departments in this country are in grave danger and neither NSF nor DOE is addressing this problem. We authorized $5 million to initiate a university program tailored to this end which should bring the best minds in the universities into the mainstream of nuclear engineering research and planning. I understand that the Department is sympathetic to providing some funding in this area, although it still falls far short of the committee's program. Just in the case of passively safe reactors and space nuclear power, I shall continue to urge the Department to fund this university program so that we can draw ideas from the very best people in industry, government, the utilities, and the universities. We also have a renewed interest in advanced LWR designs and hope the DOE can provide funding for participation in an innovative program with EPRI, which the committee has outlined in its report.

In the case of magnetic fusion energy, the committee carefully sifted through testimony from the DOE, its various advisory committees, the committee's own advisory panel, industry, and the universities to arrive at a program policy direction for the 1980's. We came to the inescapable conclusion that to sustain the momentum and direction of the U.S. program requires a focused activity on design, supporting R&T, and construction of the next major device in the Magnetic Fusion Energy Program. The United States and, indeed, the foreign consensus is that this device should be the Tokamak fusion core experiment [TFCX], which is essentially a long-pulse, ignition device. This simply means that enough energy would be dumped into the fusion plasma to cause ignition and that this burning plasma condition would be sustained for at least several hundred seconds. This kind of plasma engineering challenge would bring the fusion program into a meaningful regime of reactor operation; indeed, the follow-on device to be built somewhere in the world would be an engineering test reactor [ETR].

Unfortunately, the response of the administration to constraints imposed by the appropriations process has been to back off any firm commitment to building this device in the United States. Indeed, this administration has simply chosen another area in which this country will be second best in science and technology. I say this because the fusion research that will be done on the joint European torus [JET] will take the Common Market group significantly beyond the U.S. flagship device, the Tokamak fusion test reactor [TFTR] at Princeton, NJ. The administration's lamentable response to a tighter budget has been to abandon the activity for TFCX design and supporting research which would focus the fusion program beyond TFTR and the mirror facility, MFTF-B, now under construction at the Livermore Laboratory in California. Our committee has taken the approach that, even under virtually flat budgets, the advantages of achieving such a program focus would far outweigh the consequences of limiting other base program activities. Sadly, it appears that the administration has now adopted a built-in vulnerability

for the MFE Program. This can only make the program less defensible in the budget level regime of $440 to $480 million, and I intend to spell that out for the Secretary and the Science Advisor. This committee believes it is important to retain an authorization level of $470 million for fusion which will be achieved through a subsequent committee amendment to this bill. It is a difficult time for all these programs and fiscal year 1986 promises to be even tougher; but I, for one, am not willing to abandon the U.S. commitment to maintain preeminence in magnetic fusion energy. There are certain things we simply must be able to afford to do in R&D.

I trust my colleagues will support this bill and also take the opportunity to review just what this country's stakes are in international technology development. Are we to be the leaders or the followers in fission and fusion energy research? It is that simple.

Thank you, Mr. Chairman.●

● Mr. GLICKMAN. Mr. Chairman, the Subcommittee on Transportation, Aviation and Materials held extensive hearings and field inspections on the transportation portion of the fiscal year 1985 Department of Energy authorization. Testimony was taken from a variety of witnesses, both inside and outside of the DOE.

The transportation program was created by two pieces of hard-won legislation, both of which were born in the Science Committee. At that time, our objective was to begin to do something about the No. 1 consumer of petroleum—the automobile. But, to my mind, those bills achieved something even more significant. They gave the Federal Government a role in advanced automotive technology, similar to the one it has in other areas where we dominate the world market such as in agriculture and aeronautics. Although the program is a small one—only $66.9 million recommended by the committee this year—the payoff can be very large. This is true because DOE emphasizes the high-risk, long-term research and technology that our auto industry is financially unable or unwilling to undertake. Such efforts can provide the basis for some real lessening in our dependence on petroleum, and particularly foreign petroleum, as a motor vehicle fuel. I believe this is especially significant as we look at recent events in the Persian Gulf.

Of course, the Reagan administration's view of this sort of research is that it is a subsidy to industry and a waste of taxpayer dollars. They say, "If industry saw any merit in the research, industry would pay for it."

But, unfortunately, this argument fails to consider the national security implications. The administration is spending colossal sums on arms and may even be ready to commit American forces, all to protect our Middle East oil supplies. And yet they are unwilling to spend even minuscule amounts to develop alternatives to that oil. To me that is one of the tragic ironies of our time.

Transportation accounts for 61 percent of the petroleum used in this country. And highway vehicles use three-fourths of that. So it makes exceptionally good sense to develop engines that use less fuel and that use fuels other than petroleum. And that is what this modest program is doing, and doing quite effectively, I might add.

During the past year, substantial progress has been made toward realizing the goals as laid out in the organic legislation. Both the Stirling and gas turbine engines are on track toward proving the concepts embodied in these alternative propulsion systems. Industry interest has increased dramatically since the early days. In fact, at this very moment, General Motors recently completed testing a Stirling MOD I-A engine at its technical center.

For this reason Mr. Chairman, the committee felt it wise to authorize sufficient funding to allow completion of these projects. To do this we are recommending an addition of $17.5 million to the administration's request, bringing the total to $66.9 million.

If approved, this will result in a technology base that can begin to give us some new options in dealing with threats to Middle Eastern oil supplies.

Mr. Chairman, I urge adoption of the fiscal year 85 DOE authorization bill.●

● Mr. SCHEUER. Mr. Chairman, I rise in strong support of H.R. 5244, the DOE R&D Authorization Act for 1985-1987.

In particular, I would like to address the committee's actions on DOE's environmental research programs, which for many years have provided our country with its best tools for predicting the health and environmental consequences of energy development of all sorts.

DOE's environmental program encompasses a broad range of critical investigations—from studies in nuclear medicine to studies of the greenhouse effect and the clean and efficient combustion of the United States' vast coal resources.

In fiscal year 1985, the committee provided $15.5 million in increases for environmental R&D above the President's request of $228.2 million.

The increases in the bill are targeted toward maintaining long-term research activities in the areas of toxic chemicals and human disease—including cancer and cardiovascular studies.

Mr. Chairman, in developing this legislation the committee recognized the need for budgetary restraint.

At the same time, however, we felt that the administration's budget request for DOE's environmental R&D was inadequate to maintain an effective program.

We reached this conclusion for several reasons.

First, Federal research into the environmental impact of various energy technologies has decreased significantly since 1981.

The Environmental Protection Agency, which has traditionally emphasized short-term research, decreased the level of support for energy R&D from $97 million in fiscal year 1981 to only $14.5 million in fiscal year 1985.

Second, the administration request mandates cuts in precisely those areas of long-term health research in which DOE makes a unique contribution.

Finally, documentation from the Department itself showed that a budget level of $260 million is necessary in fiscal year 1985 to fund the research necessary to understand the health and environmental impacts of energy-related technologies.

Mr. Chairman, I believe that the recommendations in H.R. 5244 are responsive to the Nation's needs.

In the environmental area, the committee's recommendations will enable us to proceed toward energy independence without mortgaging either our natural resources or the health of our citizens.

H.R. 5244 is a good bill, and I urge my colleagues to support it.●

Mr. WINN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

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. FAZIO] having assumed the chair, Mr. WILLIAMS of Montana, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 5244) to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal years 1985, 1986, and 1987, had come to no resolution thereon.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material on the bill, H.R. 5244, that was previously being considered in the Committee of the Whole.

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

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CONFERENCE REPORT ON H.R. 5604, MILITARY CONSTRUCTION AUTHORIZATION, 1985

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Tuesday, August 7, 1984, to file a conference report on the bill, H.R. 5604, the Military Construction Authorization Act for fiscal year 1985.

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

There was no objection.

MAKING IN ORDER ON WEDNESDAY, AUGUST 8, 1984, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 5604, MILITARY CONSTRUCTION AUTHORIZATION, 1985

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, August 8, 1984, or any day thereafter, to consider the conference report on the bill, H.R. 5604, the Military Construction Authorization Act for fiscal year 1985.

Mr. Speaker, that has been cleared with the Republican side, with the ranking minority member, the gentleman from Alabama [Mr. DICKINSON] of the Armed Services Committee.

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

There was no objection.

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APPOINTMENT OF MEMBERS OF FUNERAL COMMITTEE FOR THE HONORABLE CARL D. PERKINS

The SPEAKER pro tempore [Mr. FAZIO]. Pursuant to House Resolution 566, the Chair, without objection, appoints as members of the Funeral Committee of the late CARL D. PERKINS the following Members on the part of the House:

Mr. NATCHER of Kentucky;
Mr. O'NEILL of Massachusetts;
Mr. WRIGHT of Texas;
Mr. SNYDER of Kentucky;
Mr. MAZZOLI of Kentucky;
Mr. HUBBARD of Kentucky;
Mr. HOPKINS of Kentucky;
Mr. ROGERS of Kentucky;
Mr. BENNETT of Florida;
Mr. RODINO of New Jersey;
Mr. CONTE of Massachusetts;
Mr. SMITH of Iowa;
Mr. STRATTON of New York;
Mr. HAWKINS of California;
Mr. PICKLE of Texas;
Mr. ERLENBORN of Illinois;
Mr. BEVILL of Alabama;
Mr. ALEXANDER of Arkansas;
Mr. BIAGGI of New York;
Mr. JONES of Tennessee;
Mr. OBEY of Wisconsin;
Mr. ANDREWS of North Carolina;
Mr. GILMAN of New York;
Mr. ROSE of North Carolina;
Mr. TAYLOR of Missouri;
Mr. SCHEUER of New York;
Mr. GOODLING of Pennsylvania;
Mr. HEFNER of North Carolina;
Mr. HIGHTOWER of Texas;
Mr. MILLER of California;
Mr. MINETA of California;
Mr. SIMON of Illinois;
Mr. LUKEN of Ohio;
Mr. AKAKA of Hawaii;
Mr. BONIOR of Michigan;
Mr. KILDEE of Michigan;
Mr. MURPHY of Pennsylvania;
Mr. PANETTA of California;
Mr. RAHALL of West Virginia;
Mr. WALGREN of Pennsylvania;
Mr. WEISS of New York;
Mr. DANNEMEYER of California;
Mr. KOGOVSEK of Colorado;
Mr. RATCHFORD of Connecticut;
Mr. PETRI of Wisconsin;
Mr. DREIER of California;
Mr. ECKART of Ohio;
Mr. GUNDERSON of Wisconsin;
Mr. MCCURDY of Oklahoma;
Mr. MARTINEZ of California;
Mr. BARTLETT of Texas;
Mr. BOUCHER of Virginia;
Mr. HARRISON of Pennsylvania;
Mr. MCCLOSKEY of Indiana;
Mr. OWENS of New York;
Mr. PACKARD of California;
Mr. PENNY of Minnesota;
Mr. WISE of West Virginia;
Mr. ACKERMAN of New York;
Mrs. BURTON of California; and
Mr. HAYES of Illinois.

There was no objection.

THE 40TH ANNIVERSARY OF SLOVAK NATIONAL UPRISING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. MCDADE] is recognized for 60 minutes.

● Mr. MCDADE. Mr. Speaker, the date of August 29 marks the 40th anniversary of the Slovak national uprising. It was on August 29, 1944, when the democratic-oriented Slovak nation made the decision to start open conflict against the Nazis and the nondemocratic regime then in existence.

Following World War II, the Communist regime enslaved the Slovak and Czech nations and made Czechoslovakia subservient to Moscow. The current regime organized an elaborate, but politically one-sided celebration of this 40th anniversary. The celebration contradicts the true and democratic purpose of this uprising and represents it as a communistic action—while in fact Slovak uprisers, with arms in hand, confronted the Nazi army and proclaimed their support of the allied nations.

After the Communist takeover in August 1948, many of the participants of the uprising who fought for their freedom had to leave their country. Some of those freedom fighters now live in my district and are active in the Permanent Conference of Slovak Democratic Refugees in Exile. This conference recently issued a declaration for this jubilee. I urge my colleagues to read this statement, written by Dr. Martin Kvetko, to learn about the events of that period.

THE 40TH ANNIVERSARY OF THE SLOVAK NATIONAL UPRISING, AUGUST 29-OCTOBER 28, 1944

THE CONTRIBUTION OF THE SLOVAKS TO THE EUROPEAN RESISTANCE MOVEMENT AGAINST FASCISM AND NAZISM

(By Dr. Martin Kvetko)

After the destruction of the Czechoslovak Republic by Hitler in March, 1939, the eastern region of the Republic—Slovakia—was established as an authoritarian state, a vassal to Nazism with only such internal powers as were granted it by Berlin. But within that Slovakia, already in 1939, there arose an underground opposition movement that had not reconciled itself either to the role of vassal or to the undemocratic institutions forced upon it.

Within this underground movement, two separate camps developed right from the start: the Democratic camp, which united all the forces that remained loyal to Masaryk's humanitarian democracy, and the Leftist camp—the socialist or communist group—into which the Communists and the leftist Social Democratic were concentrated. That leftist/communist camp oriented itself to the "First Empire of Socialism" * * * to the Soviet Union. The Democratic camp's various component groups had active contacts with the Czechoslovak Revolution forces overseas, in London, and with their administrative government, headed by Dr. Eduard Beneš.

The Communist camp's separate conspiracy sought to establish contact with the Communist leadership in Moscow. But the contact was not sufficiently systematic and did not achieve the desired level of cooperation between the domestic communists and the exiles in Moscow.

Although the Democratic camp had early on agreed upon a program of reestablishing an independent democratic Czechoslovak state on the principle of equals among equals between the Czech and the Slovak people, the Communist camp was involved for a long time in political chaos, caused by the extremist groups. On the one hand, there was to be a "Soviet Slovakia" to be united to the Soviet Union. (As late as the Spring of 1943, in a memorandum prepared for the Moscow communists, Gustav Husak emphasized the more reliable support available from Stalin, stating "Why seek a way to Beneš?") On the other hand, a return to the Czechoslovak concept developed under Husak's assumption (as formulated on September 17, 1944, in Banská Bystrica) that "we hope we shall come to an agreement with the Czechs and will not be required to find another solution".

For a long time, there was no cooperation between the two camps, apart from sporadic contacts between individuals, from both camps, who knew each other personally. The initiation of systematic cooperation came about after December 1943, when rep-

resentatives of both camps agreed upon a proclamation known as the Christmas Agreement, on the basis of which there was formed a 6-member (later 8-member) underground Slovak National Council, to be the central political organ of the resistance movement.

The officers of the regular military headquarters in Banská Bystrica were also conspiring and preparing separately for an uprising; they established a so-called Military Centre under the command of Colonel Ján Golian. This central military office maintained contacts with the government in London. Soon after the 1943 Christmas Agreement, contacts were established between the underground Slovak National Council and the Military Centre.

The Slovak Resistance Movement, thus organized, carefully monitored international developments, especially at the fronts, so that their preparations for an open conflict would be ready in time to contribute to the defeat of Nazism and to the liberation of their country.

There was also a Partisan activity that developed separately, in the summer of 1944, after the Soviets began to send Partisan groups into Slovakia to organize the Slovaks into sniper groups for the purpose of attacking the Nazis from the rear. These Partisan groups were subordinate to the central Partisan Staff in Kiev and were separated from supervision by the central military leadership, who were therefore unable to coordinate the partisan activities with the military's operations; as a result, the uprising suffered greatly.

On August 29, 1944, the Slovak Resistance Movement erupted into open conflict with units of the Nazi army which came to occupy Slovakia in order to secure the area for their operations at the front.

On September 1, 1944, the underground Slovak National Council issued the challenge—its first Proclamation, given below—that it was taking over governmental powers in Slovakia, was eliminating all undemocratic and racist laws of the Slovak state, and was proclaiming reestablishment of the Czechoslovak Republic. Simultaneously, the Military Centre issued an order to fight the Nazis and called for mobilisation.

Thus occurred the military uprising in Central Europe, deep in the rear of the Nazi armies. On the basis of the extent of its operations and the timing and intensity of its battle, it holds third place among the resistance movements of European nations, after the Yugoslav national liberation struggle and the Polish uprising in Warsaw.

* * * * *

PROCLAMATION OF THE SLOVAK NATIONAL COUNCIL: 1 SEPTEMBER 1944

All the democratic and progressive components and aims of the Slovak people, who waged a ceaseless battle against the existing fascist regime in Slovakia, and against its Nazi German allies, have on this day formed the Slovak National Council in Slovakia as the summit organ of the domestic Slovak revolt.

Therefore the Slovak National Council, which alone is authorized to speak in the name of the Slovak people, asumes on this date the legal and executive powers for all of Slovakia, as also the defense of Slovakia, and it shall exercise this power until the time when the Slovak nation determines its legitimate representatives by a democratic process.

Our domestic revolt aims to carry on as until now in full agreement and cooperation with the Czechoslovak Revolutionary effort abroad, and through united cooperation to bring our struggle to victory.

We support fraternal coexistence with the Czech people in the new Czechoslovak Republic. Constitutional, social, economic and cultural questions in the Republic shall be resolved through mutual agreement by specifically organized elected representatives of the Slovak and Czech people in the spirit of democratic principles, progress, and social justice.

The Slovak people had nothing in common with the alliance with Hitler's Germany. To the contrary, the nation was on the side of the Allies in all its thinking and conviction, as confirmed by deeds at every suitable opportunity at home and at the front.

Today this Slovak people's manifesto unites them to the Allied people who by their struggle and great sacrifices are securing a free and democratic life for the people of the whole world, and thus also for our small nation. We want to contribute with all our strengths to the early conclusion of this struggle.

In these historical moments we shall contribute every moral and material support to our fighting Slovak military groups and partisans. We call the entire nation to arm and to enter the struggle against our enemies and their local servants, so that all Slovaks might organize their lives according to their own wishes in a free Czechoslovak Republic.

May our just endeavors triumph!

Glory to the Czechoslovak Republic!

Banská, Bystrica, 1 September 1944, The Slovak National Council.

* * * * *

The Slovak National Uprising promptly joined the side of the Allies; a proclamation of the Czechoslovak Government in London, on September 2, cited below, declared the unity and common purpose of all the units involved, and formalized their military status. The proclamation included the United States Government's declaration that the soldiers of the Czechoslovak Army, including those in Slovakia, constituted a combat force to be governed by the rules of war binding both sides, and were protected by the international agreements applying to all the other Allied armies as well.

DECLARATION CONCERNING CZECHOSLOVAK ARMY

(Released to the press Sept. 7)

The Czechoslovak Government in London on September 2, 1944 proclaimed all military forces fighting against the Germans in Czechoslovakia to be members of the regular Czechoslovak Army.

With reference to the operations of Czechoslovak forces in Europe, including the forces which have begun combat in Slovakia, the Government of the United States reiterates its view that all members of the armed forces of the countries at war with Germany which are engaged in active combat should be treated by the German military authorities in accordance with the laws and customs of war.

The United States Government therefore declares: (1) The soldiers of the Czechoslovak Army, including those in Slovakia and other parts of Czechoslovakia, constitute a combat force operating against the Germans.

(2) The soldiers of the Czechoslovak Army are instructed to conduct their military operations in accordance with the rules of war and in so doing they bear arms openly against the enemy and are provided with Czechoslovak uniforms or a distinctive emblem.

(3) In these circumstances reprisals by the German military authorities against the soldiers of the Czechoslovak Army violate the rules of war by which Germany is bound. The United States Government, therefore, solemnly warns all Germans who take part in or are in any way responsible for such violations that they do so at their peril and will be held answerable for their crimes.

Through their organized military actions, which lasted for two months, the participants in the Uprising tied down seven Nazi Divisions. The Allies welcomed that important contribution of the new member of the Allied family, and on October 28, 1944, President Roosevelt saluted the Czechoslovak forces in his message to President Beneš.

MESSAGE FROM PRESIDENT ROOSEVELT TO PRESIDENT BENES OF CZECHOSLOVAKIA, OCTOBER 28, 1944

(Released to the press Oct. 28)

This anniversary of the independence of Czechoslovakia is of special significance.

The people and armed forces inside Czechoslovakia have joined actively and gloriously with their countrymen aboard in the ranks of the nations united against tyranny, and can look forward confidently to the celebration of future anniversaries in the full enjoyment of unsuppressed freedom.

We Americans salute our Czechoslovak comrades-in-arms who are today so bravely contributing to the liberation of their homeland and the rest of Europe.

The close ties and deep sympathy between the democratic peoples of Czechoslovakia and the United States have never ceased to find concrete expression since the days of President Masaryk and President Wilson.

I look forward to the day when, victorious after a second great war for freedom, they can continue to work in harmony for their mutual security and welfare in a peaceful world.

FRANKLIN D. ROOSEVELT.

* * * * *

It is important to note the related circumstances that existed when the Slovak National Uprising broke out on August 29, 1944. Toward the end of August 1944, the Slovak Republic's governmental power, in Bratislava, for all practical purposes no longer extended to the whole of Slovakia. This power vacuum was instrumental in the Slovak government's acceptance of a German intervention and occupation offer. German units had been invited to come to Slovakia, under the pretext of fighting the guerrillas. In the evening of August 29, the first clashes took place between the First Czechoslovak Army in Slovakia and the advancing German forces. As a result, Central Slovakia became a vast liberated area; the Slovak National Uprising had begun.

On the following day a broadcast of the Free Slovak Radio from Banská Bystrica was heard throughout the country calling for a national uprising with a stirring "MOR HO" (Death to the enemy!). That central Slovak metropolis, Banská Bystrica, became the seat of the military and political institutions of the uprising.

The German attack was started by the 178th armored sapper division TATRA which, as early as August 29, marched from the west, to the direction of Žilina. This, too, was where first contact with the insurgents was made. Continuing their advance, the German division met with the resistance

of a stubborn but ill-organized rebel defence near the mountain pass Strečno. It was clear from the outset that the partisan units were generally the weakest point in the insurgents' defence. One notable exception proved to be the French partisan unit, composed mostly of French prisoners-of-war, which fought near Strečno with utmost resolve, even at the price of personal sacrifices. The German attack was mounted with the aid of great tank and air superiority, and penetrated as far as Vrútky. From there the TATRA division turned south into the valley of Turiec. At about the same time, the German reinforced batallion Schäffer came marching from Kežmarok in the direction of Ružomberok, this attack being launched from Polish territory. From the west, over Bratislava, the reinforced armored regiment Schill moved up the river Nitra, and a German attack group supported by two battalions of riflemen came from the southwest. From eastern Slovakia, which was in the operational zone of the North Ukraine army group, a force advanced against the insurgents composed of units of the First armored army and of the 37th infantry division, and other units which at the time were stationed in eastern Slovakia. The overall strength of the German military machine thrust into battle against the insurgents during the first weeks of fighting numbered about four divisions. The insurgent forces numbered 60,000 men, including 6,000 to 8,000 partisans. They had at their disposal 40,000 rifles, 1,500 light and 400 heavy machine guns, 120 cannons, 40 mortars, and about 15 light tanks.

The Slovak soldier succeeded surprisingly in resisting the German war machine for the whole two months. He proved his determination to hold the insurgent territory with great personal sacrifices near Strečno, Telgart, and at Ostro, as well as in other sectors of the front.

The German military command replaced the originally designated supreme commander of German forces in Slovakia, general Berger, with general of the SS Hofle. During October, general Hofle received important reinforcement which in the end helped to decide the fighting in favor of the Germans. The decisive factor of the German success was apparently the presence of the 18th SS division Horst Wessel which in fact opened the German offensive with the heavy armored attack from the territory of Hungary. In the northern sector, German forces were substantially strengthened with the arrival of the SS brigade Dirlenwanger which, after the crushing of the Warsaw uprising, became free for combat in Slovakia. These German reinforcements, together with the already earlier engaged units, represented a military machine of close to seven divisions.

The unequal struggle of the insurgents, fought in the form of a regular defensive fighting over a period of more than seventy days, came to an end in the mountainous terrain of central Slovakia. Although organized military resistence ceased, the rebels retreated in thousands into the mountains from where they waged extensive guerilla warfare, gradually engulfing the whole of Slovakia and lasting until the arrival of the eastern front.

* * * * *

That is the contribution of the Slovaks to the world's struggle with Nazism and Fascism. As yet, that contribution hasn't even been appropriately entered into the history of the European resistance movements, much less appropriately evaluated. In the West, little is known of that contribution to the struggle apart from a few publications that have appeared in the German Democratic Republic (GDR). Until now, the heroism of the small Slovak nation has not been recognized.

For the Slovak nation, the significance is two-fold. First, it contributed to the defeat of the Nazis under exceptionally difficult circumstances because it did not receive adequate support from the Allies; second, the Slovaks, by this act, returned to the family of democratic European nations and proved that they had nothing in common in the collaboration with the Nazis. With respect to the issue of Czechoslovakia, it is significant that the renewal of a federated state was proclaimed on domestic territory.

At this 40th Anniversary, we deem it especially important to emphasize the second factor. Not only because it is a historical fact, but also because among some Exile groups in Central and Eastern Europe changes have been voiced blaming the Slovaks as a nation for completely adopting Fascism during World War II. The truth is that apart from the Poles not one other Central European people was able to organize a comparable act, to rise up in arms against the occupying Nazis. This sufficiently refutes the charge of Fascism.

And now the ultimate injustice. Although Slovak soldiers were fighting in Czechoslovak units on both the eastern and western fronts during the war, and although the Slovaks staged the armed uprising against Nazism on the home front that they might thus declare themselves as a nation to democracy and true social progress, in spite of all this there is that gross injustice in the circumstances that the Communist regime in Czechoslovakia, at every opportunity, distorts the history of the uprising and presents it only as a Communist achievement.

* * * * *

AMERICANS IN THE SLOVAK NATIONAL UPRISING

Shortly after the ourbreak of the Uprising, the Czechoslovak Secret Service in London leaned through its contacts in Slovakia that a number of American and British airmen, freed from German prison camps, assembled at the Tri Duby (Three Oaks) Airfield in Bansk Bystrica. This information was promptly delivered to the American Office of Strategic Services based in Bari, Italy, where arrangements were immediately made by the American Air Force for an evacuation flight to Tri Duby. The records of the Office of Strategic Services note the following:

"On 17 September 1944, one American Naval officer, one Navy rating and four Army enlisted men of Company B, 2677th Regiment, Office of Strategic Services (Provisional), were transported by three American flying fortreses from Bari, Italy, to Tri Duby, Slovakia. They were engaged in an operation known as the 'Dawes' mission and their objectives were liaison with the Czechoslovak Forces of the Interior, the evacuation of Allied airmen and escaped Allied PWs, and the forwarding of intelligence to be gathered by the CFI. On 7 October 1944 the original 'Dawes' mission was enlarged by the addition of one American Naval officer, five Army officers, two Naval ratings, two Army enlisted and one American civilian, all of Company B 2677th Regiment, Office of Strategic Services (Provisional). As in the case of the first section of the mission, the second section took off in flying fortresses from Bari, Italy, and landed at Tri Duby, Slovakia. A list of members of the mission, including both sections, is attached hereto, marked Exhibit 'A'.

"All members of the mission went into Slovakia in American uniform and investigation indicates that they remained in uniform."

On these two sections of the "Dawes" mission, the American airmen also brought assistance for the Slovak insurrectionists: flamethrowers, 100 automatic weapons, 100,000 rounds of ammunition, 160 infantry anti-tank weapons, 3,000 rockets, 90 light artillery pieces with 75,000 rounds of ammunition, and seven cases of provisions and medical supplies.

Joseph Marton, a reporter for the New York Times, went along with the American airmen; the Nazis captured and killed him together with a number of other Americans. The American airmen remained with the insurgents, and then retreated with them into the mountains when the uprising was crushed. They crossed over to Brezno, and in January 1945, 18 of them were captured in a chalet above the village of Helpa. They were transported to the concentration camp at Mauthausen, in Austria, and murdered there on January 26.

* * * * *

At this 40th Anniversary of the significant contribution of the Slovaks to the resistence movement of the European nations against Nazism and Fascism, we recall the heroic struggles of the Slovak National Uprising, placing wreaths of gratitude on the graves of those who gave their lives in the battle for the ideals of freedom and democracy.

We do this in the faith that the sacrifices were not in vain, and that there will come a time when the Communist tyranny will also end, when the Slovaks, together with the Czechs, will be able to live freely in their own independent democratic nation.

Dr. Martin Kvetko, for the Permanent Conference of Slovak Democratic Exiles.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SLATTERY] be able to precede me and the gentleman from Minnesota [Mr. WEBER] be able to precede my special order.

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

There was no objection.

DEFICITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SLATTERY] is recognized for 60 minutes.

Mr. SLATTERY. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for allowing me to precede him this evening. That is very thoughtful of him and I appreciate it.

Mr. Speaker, this evening I would like to spend a few minutes talking about a subject that we have all heard a lot about, and my colleagues listening on their monitors in their room I am sure frankly are sick and tired of hearing any more discussion about the

deficit, and those viewing out across this country on C-SPAN and other news pickups of this coverage are probably tired of hearing the discussion also.

The SPEAKER pro tempore. The gentleman will withhold for a second.

It is against the Rules of the House to refer to the viewing audience.

Mr. SLATTERY. I thank the Speaker for correcting me on that.

But this evening I would like to talk about the deficit and the causes of the deficit, and I would like to spend a little bit of time talking about the problems the deficit is causing and in particular what kind of problems it is causing people in rural America, and specifically the farmers of this country.

I am one of these people that believes, and believes very strongly that the huge deficits today, nearly three times larger than any deficits in our Nation's history prior to 1980 are a principal cause of high interest rates. I think we only need to look at some very basic facts to fully understand the dimension of this.

Specifically, during the 1960's the deficit only demanded about 10 to 12 percent of net private savings in this country. During the 1970's it took about 15 to 20 percent of net private savings to finance the national deficit. Today the estimates range somewhere in the neighborhood of 75 percent of net private savings in this country are needed to finance the national deficit.

I am convinced that the national deficit causes high interest rates. High interest rates ultimately will cause high unemployment because of the problems in the auto industry and related industries, and the housing industry and related industries to the housing industry. High unemployment in turn will ultimately cause serious financial problems for the Social Security System, the medicare system, and all of the other programs that are dependent upon the Federal Treasury.

One of the hidden problems caused by the deficit, and one that is least understood perhaps, and perhaps least discussed is the problem with the valuation of the dollar. I am convinced that the deficit causes high interest rates, like I have said, and those high interest rates in turn have caused the dollar to be overvalued by as much as 40 percent.

This evening I want to take just a few minutes to review some of the problems that these phenomena, the deficit, high interest rates, and the overvalued dollar cause the American farmer.

High interest rates over the last few years have clobbered land values in this country. It is something that those people in perhaps the urban areas of the country have not taken the time to focus on and fully understand what this may mean to the price of food over the next few years. Land values have declined for 3 years in a row for the first time since 1933 in the midst of the Great Depression.

According to a financial letter by the Federal Reserve Bank of Kansas City, land values are down 22 percent from 1980 and 1981.

The other problem that the huge deficit and high interest rates causes farmers in this country is in the operating phase of their business. The financial letter that I just referred to from the Federal Reserve Bank of Kansas City indicates that interest rates on all categories of agricultural loans edged up to 14.2 percent in the first quarter of this year. And as far as I am concerned the farmers in this country and many other small businesses just cannot afford to pay 14 percent interest to fund their operating side of their business.

The other problem that is sort of the third whammy of this triple whammy I am describing for American agriculture occurs in the marketing phase. Art Morray of the USDA's Economic Research Service recently was quoted in an article in Farm Line for July 1984 as saying that since 1980 the dollar has increased some 40 percent in value in comparison to foreign currencies. Of course what this means is that our foreign buyers have to buy dollars before they can buy our wheat, and if they have to pay 40 percent more for the dollar they are buying, they end up having to pay 40 percent more for the wheat that they buy with those dollars.

Of course that puts our agriculture exporters in a terrible competitive disadvantage, along with other exporters of manufactured products in this country.

Therein lies one of the principal problems we have with our current balance of trade. And as most of us know, the balance of trade in this country is experiencing a historically large deficit also. In fact, this year the trade deficit will be somewhere in the neighborhood of $125 billion, by some conservative estimates.

I am inclined to believe in light of the fact that the dollar is overvalued by as much as 40 percent compared to where it was in 1980, I cannot help but think that a big part of this trade deficit is directly related to the overvaluation of the dollar.

In 1982 the loss of export markets for farmers alone in this country cost them somewhere in the neighborhood of $3 billion.

So as you can see, the huge deficit, causing high interest rates, hits the farmers in three ways. It has caused their land value to decline by as much as 20 to 25 percent in the Midwest over the last 3 or 4 years, and that is simply due to the fact that people cannot afford to borrow money at 13 to 15 percent and buy land and try to make a farming operation profitable. It just will not work. The margin of profit just is not there.

In the second instance, farmers have to pay, as I just indicated in citing the letter from the Federal Reserve Bank of Kansas City, nearly 14 percent, a little more than that, actually, for their operating loans. Again, that reduces their bottom line net income and then, of course, increases their operating expenses.

The last whammy of this triple whammy is in the marketing phase, as I have just indicated. Agriculture exports have declined. They are off by about 20 percent from the high in 1981.

In 1981 farmers in this country exported somewhere in the neighborhood of $43 billion of agriculture exports. Last year, 1983, that figure had declined to somewhere in the neighborhood of $34 billion for a net decline of about 20 percent.

The bottom line is that net farm income in 1981 was $30.1 billion. In 1982 it declined to $22.1 billion.

□ 1630

In 1983, the last year that we have any information for, net farm income was somewhere in the neighborhood of $15 to $17 billion, about half of what it was in 1981. Total foreign debt last year went over $200 billion. And a little simple arithmetic will indicate the dimension of this debt problem.

Because if you figure they are servicing that $200 billion at 10 percent interest rates, which is probably a very conservative estimate with respect to the interest rate, the debt service alone on the $200 billion will be somewhere in the neighborhood of $20 billion or more than net farm income for 1983, which as I just indicated was somewhere in the neighborhood of $15 to $17 billion.

Agricultural exports have declined, last year, to $34.5 billion, down more than 20 percent from 1981.

For the first time since 1933, land values have declined for 3 years in a row.

All of this in my judgment is due to the fact that interest rates are high and they are driven by the size of our enormous deficit.

Before I get into what I think needs to be done to deal with the deficit problem I want to also refer to a recent survey that was conducted at the agricultural credit summit, sponsored by the American Bankers Association and held in July of this year in Des Moines, IA.

At this summit conference on agricultural credit the meeting was called for the purpose of assessing the problems in the agricultural sector of the economy. Bankers were present from 22 States, primarily the Midwest and Southeast.

The bankers attending were asked a number of questions. I am going to share with those who may be listening this evening some of the information gleaned from this report. One of the questions asked was, "What percent of your farm customers are unable to generate sufficient cash-flow to meet debt repayment requirements and operating expenses?"

Very interesting question. And bankers in attendance representing banks from 22 different States indicated that a low of 7 percent to a high of 75 percent of their farm customers were unable to generate sufficient cash-flow to meet debt requirements.

In most States such as Kansas, they projected from 30 to 35 percent of their current farm customers who borrow are unable to generate cash-flow to service all debts that they have to service.

Most bankers believe, also, that from 20 to 25 percent of their farm customers' financial condition had declined slightly and from 20 to 25 percent had experienced a significant decline in their financial condition over the last few years.

Another question asked at this agricultural credit summit was: During the past 3 years have land values in your area improved, remained the same, or declined?

The response to this question was that over the past 3 years in the 22 States represented land values declined from between 10 to 50 percent.

It is believed that in Kansas, land values declined from 20 to 25 percent, which tends to support the information that I cited earlier from the Federal Reserve Bank of Kansas City.

Another question: Are other lenders willing to take customers whom you are no longer able to finance? The response was a simple no. The Federal Land Bank seems absent, the PCA's are of no help at all, Farmers Home Administration is helpful in some areas but not in others.

There is no consistency and little help from the farm credit system. The banks have become the lenders of last resort.

Another question: How much would farm conditions in your area improve with 2 percent decline in the prime lending rate? Everyone responded it would be a significant boost.

How much would farm credit conditions in your area improve with a significant delinquency in the value of the dollar? Again the response was an expected one; that is that conditions would improve by a significant amount.

So much for the facts documenting the case. I think it is important to realize that if we are really going to help the farmers in this country and those that live in rural America we are going to have to stop doing it to the farmers in this country, and those living in rural America. To do that we are going to have to get the deficit down because with the deficit and high interest rates, we are really doing it to rural America.

We are not going to solve those problems until we deal with the deficit?

Mr. Speaker, in just the next few minutes, I want to just touch on the fact that I believe it is absolutely critical for us to get back to some basic common sense when we talk about this Federal defict.

There is a lot of good news that we all welcome; the economy is growing. But there is a lot of concern about how sustained this recovery is really going to be.

We look at the problems with the deficit and the prospects of interest rates rising, coupled with the very precarious condition of the debt problem in the Third World, and it raises serious questions about how long we can sustain this very precarious global economic situation.

I am inclined to believe that our first priority should be to get our deficit down. We can do that only by reducing spending and a budget freeze across the board that was discussed earlier in the other body and also here; that is something I think we ought to definitely consider for next year.

In addition to that I am also inclined to agree with my colleague from the great State of Kansas who represents us over in the other body that revenues are going to have to be a part of this long-term deficit reduction package.

When we look at spending we are going to have to be willing to look at those sacred cows; we have to be willing to deal with defense, we have to be willing to deal with all other areas of discretionary spending, but we also have to be willing to look at entitlements.

We do not need to cut Social Security and other retirement programs but what we can do is change the method of computing future increases and do it in such a way that those people who truly need cost-of-living adjustments and other increases in their benefits get those increases, while those that do not need them do not get those benefits.

I think that can be done without devastating anyone in this country.

But we have to be willing to put it all on the table and look at the spending side of the ledger across the board. On the revenue side we have to be willing to be realistic about that also.

Mr. Speaker, I think the other gentleman who yielded to me earlier is patiently waiting for the floor.

I yield back the balance of my time.

IMPACT OF MONETARY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. WEBER] is recognized for 60 minutes.

Mr. WEBER. Thank you, Mr. Speaker.

Mr. Speaker, we have been subjected to some wildly varying economic reports in the last couple of weeks. Some reports saying the economy is slowing down a little bit, some indicating that it may be going on for a long time.

The average person, I think, is having some difficulty making sense out of exactly what this all means. That probably is made more true by the fact that the two major parties now are engaged in a major debate over what can be done to continue or depending on your point of view, save the economic recovery.

That debate has focused almost exclusively on taxation, but really it is part of a larger debate that should be going forward in the country if it is not now on monetary policy.

I say that because the only reason that anybody is focusing particularly on taxation right now is because of the perceived effect of the Federal deficits on interest rates, hence monetary policy. It is believed widely around the country that the deficit is the sole source of the extraordinarily high interest rates we continue to pay and that if allowed to continue, that deficit will push interest rates still higher, choking off the recovery, preventing the recovery from expanding to parts of the country like mine that have not been recovering as rapidly as some and hence anything we do to reduce the deficit is a good thing.

That seems to be the conventional wisdom around this town, that seems to be the wisdom that was demonstrated at the Democratic National Convention recently. I would like to challenge today in this special order to a certain extent and I challenge it as one who has most of my adult life been most concerned about the Federal deficit and who has a pretty good record in terms of voting against excessive Federal spending and in favor of politically difficult spending cuts.

□ 1640

But my concern, coming from a district like the Second District of Minnesota, which is agricultural, heavily dependent on a credit economy, my concern is that we may not be focusing on the main source of our difficulty and so we may not really be dealing with the true solution to the problem.

Let me explain why. Again, when I first came to Congress I was convinced, as I think most Americans are, and certainly as most of our colleagues here in the Congress are, that there was a one-on-one relationship between Federal deficit spending, inflation, and

hence, interest rates. As we have seen this interest rate problem persist, more and more of us have focused again on the deficit and deficit reduction as the key to bringing down those interest rates.

Granted interest rates are somewhat lower than they were a few years ago, but relative to the rate of inflation they are actually higher than they were a few years ago and certainly high by any historical standard. Historically, the prime rate of interest should not be more than 2 to 3 percentage points above the inflation rate. Inflation today is running about 4 percent.

Now, that means that the rate of interest, the prime rate, should probably be 6 percent, at most 7 percent. That means that agricultural and small business borrowers in my district and across the country should today be able to borrow money at 8 percent, 9 percent, at the very most 10 percent.

Instead, in my district, we find that people are forced to borrow money still at about 15 percent. Some places, higher; some places a point or two lower. But, by and large, a good, 10 or 11 percentage points above the inflation rate.

Why is that so? In view of the rapid decline of the inflation rate one would think that interest rates would fall. So all of us have looked at the deficit and said it must be the deficit. The deficit is hanging in there. The deficit is pushing interest rates up.

Indeed, the Chairman of the Federal Reserve Board came before the Joint Economic Committee a while ago and said that he believed that a $50 billion reduction in the Federal deficit would result in a 1-point drop in the prime interest rate.

Well, what has happened since that time and what should we learn from it? I look at the figures on the deficit, the total figures on spending and I come to the conclusion not that deficits do not matter, not that everything I believed all my political life is wrong, but that we ought to take a look at least one step further. Why? Simply this reason. The deficit last year was $195 billion for the fiscal year that ended October 1. At the beginning of the current fiscal year the deficit was projected to be $185 billion or thereabouts, about $10 billion less than the Federal deficit last year.

Now we find the midyear economic reviews, both private and public, are coming through. What do they show? Revenues coming into the Treasury faster than we had anticipated, expenditures rising more slowly than we had anticipated. Mainly because of the economic recovery.

Hence, the deficit is now estimated to be somewhere between $160 and $170 billion. We will not know for sure until the end of the year.

The point I make is that the Federal deficit, on a 12-month basis, since last year, has declined by $20 to $30 billion. If the recovery remains stronger than expected for the remainder of this fiscal year it could be reduced even more from that level.

In view of that fact, one has to ask the question: Why are interest rates not coming down, as Chairman Volcker had suggested that they would, not even remaining level, but going up? Remember that Chairman Volcker told us that a $50 billion reduction in the deficit would result, in his judgment, in a 1-point drop in the prime rate. Since that time the deficit has gone down, not the $50 billion that he called for, but $20 to 30 billion and the prime rate of interest has not gone down but has gone up by 2 percentage points. That on the face of things causes me to question whether or not deficits are the sole source of the high interest rates that we are currently confronting.

A second set of figures I think deepens my concern. I would like to work through those. But the theory that says that high deficits cause high interest rates based on what we call the crowding out phenomenon. Most economists, or many economists, believe that there is a fixed pool of credit or at least a finite pool of credit when the Government is borrowing a certain amount of money out of that pool of credit, there is that much less to go around to me and my farmers and small businessmen and everybody else who has to borrow in this economy. That certainly makes sense to me.

But if you really believe that the crowding out phenomenon, Government absorption of credit, is causing interest rates to go up, you cannot just look at the Federal Government because it is not just the Federal Government that borrows money. State and local governments, as well, borrow money. A dollar borrowed by a municipality or a State government presumably is not available to a farmer or a homeowner or a small businessman any more than a dollar borrowed by the Federal Government.

So we should look not merely at Federal borrowing but at combined Federal, State, and local borrowing, total government borrowing. The fact is that the States and the localities this year will run between a $50 and a $60 billion surplus. Now that is a tremendous statistic because all those States and localities, at least a great many of them, including my own State of Minnesota, were in serious fiscal difficulty just 12 months ago.

So we find now that rather than crowding out, the States and localities will be contributing to the credit pool. As a result of that, we find that total government borrowing, as a percentage of the gross national product, will decline this year from about 5½ percent to somewhat under 4 percent, which is one of the largest declines in the percentage of the economy borrowed by Government in recent history. That fact, again, does not say to me that deficits do not matter, does not say to me that we should not be concerned about it. It does say to me that we should ask the question loudly: Why, in view of that, are interest rates not going down, are not even staying where they are, but instead are going up? I think that is the question that I am raising as I open this special order, which I hope to devote primarily to taxation and monetary policy.

I will be glad at this point to yield to my colleague from Kansas [Mr. SLATTERY].

Mr. SLATTERY. I thank the gentleman for yielding.

I guess the point that I would make is that the two variables in this whole equation that the gentleman appeared to overlook was the fact that during the last year, with the economic recovery that we are currently enjoying, we have seen also a sharp increase in the demand for money in the private sector and that cannot be overlooked.

That, of course, puts upward pressure on interest rates.

Now, in the last few days, with the action on Wall Street, the financial papers in the country have been attempting to explain what has occurred there. One of the explanations offered was that prior to the activity on Wall Street last week and the rally, there were indications that the economy was slowing down and the growth rate was not going to be perhaps as strong in the last part of this year as in the early part and the Index of Economic Indicators was off rather sharply, according to the last reports. This fueled speculation that because of the slow down in the private sector of the economy that the demand for money coming from that sector would not be near as great and therefore, interest rates would come down in the latter part of this quarter, primarily due to the activity in the private sector.

Now, I am only repeating what some of the financial experts are speculating in financial publications across the country.

But when you look at this whole question of why interest rates rose at a time when the deficit has perhaps gone down slightly this year, I think you have to look beyond that and look at what has happened in the private sector of the economy and the fact of the matter is is that in 1982 the private demand for money was very low. In 1983, it was still very low. The latter part of 1983 and the early part of 1984 we have seen a strong demand for money in the private sector. That is what is pushing up interest rates and causing the crowding out.

Now, beyond that I would point out——

Mr. WEBER. If I can reclaim my time for a minute, and then I will yield back to the gentleman, but I want to make a point.

First, because I have heard those arguments, too, and I do not question that there is some validity to them, but the point I am going to try to make here today is monetary policy is at least partially responsible for our problems.

Mr. SLATTERY. If the gentleman would yield, I will make one point and that is that in the last few years, in fact, in the last 18 months according to recent publications the monetary supply is growing faster than at any time in recent history. In fact, faster than any time since they recorded the supply figures.

Mr. WEBER. If I can reclaim my time, I do not think that is necessarily true. I think that if you trace the growth of the money supply as measured by the Federal Reserve you will find tremendously erratic changes over the last 2 or 3 years.

□ 1650

There was a tremendous tightening from time to time, and then the expansion. And then last year, toward the end of last year, we saw a great tightening again. This year they have been relatively stable in their growth rates. I would have to take issue with the gentleman. I do not think you could characterize the last 3 years as being times of tremendous expansion. There was about a 6-month period of expansion of the money supply which was followed by a 6-month period of great tightening of the money supply.

Mr. SLATTERY. I will cite my source of information. My source of information is none other than the Chairman of the Federal Reserve Board as recently quoted in Newsweek magazine. In that article they indicated that since the fall of 1982, when it was very clear that we had the economy of this country on its knees, something had to be done, and in anticipation of the election, I would argue, there was some thought given to relaxing the interest rates and relaxing the supply of money in the country. And the fact of the matter is, since that time the supply of money in America has been growing, and growing rather dramatically. I would concede there were times when it did not grow quite as fast as other times since 1982, but the fact is that since that time, over that almost 2-year period now, we have had a good, strong, steady increase in the supply of money, somewhere in the neighborhood of 10 percent, 9 to 10 percent.

Mr. WEBER. Let me just say, first of all, we should, rather than just quibbling about it, get the figures down here. I do not think that if you average out the figures on the growth rate of the money supply over the last 2 years that you are going to find that that is true. I think you are going to fine that the erratic behavior of the Fed is the primary characteristic governing that period of time.

Mr. SLATTERY. My source of information is Newsweek magazine, and oftentimes, perhaps, they may not be the best source, but they are a good source.

Mr. WEBER. What do they say was the growth rate of the money supply over the last 6 months?

Mr. SLATTERY. Pardon me?

Mr. WEBER. What do they say was the growth rate?

Mr. SLATTERY. Somewhere in the neighborhood of 9 to 10 percent.

Mr. WEBER. Pardon me?

Mr. SLATTERY. Nine to ten percent since 1982.

Mr. WEBER. Since 1982?

Mr. SLATTERY. That is right. Since the fall of 1982.

Mr. WEBER. I understand that. But my point is that there was a tremendous expansion in 1982 when we were indeed in recession, and then there has been a tremendous tightening since that period of time. But the period of lag between the time that the monitarists tell us an expansion of the money supply should begin to affect inflation has already occurred. They tell us that about 6 months after you see this expansion in the money supply it should show up in the inflationary figures. We have not seen that expansion of the money supply that took place in 1982 reflected in inflationary figures. And instead, now we find ourselves following the period of restraint that the Fed followed that up with, of a tightening of the money supply.

I have to ask, very seriously: Is there any justification for the tightening of the money supply that the Fed has pursued over the last year or so due to the fact that there is no sign that the earlier expansion of the money supply produced any kind of inflation?

Furthermore, let me make an additional point about what is going on in Wall Street right now. Wall Street is always a little confusing to me. But look what has happened in Wall Street in the last week. We have seen a bunch of bad news come out, right? Wall Street hears that bad news, and they say, "The economy is going to grow more slowly." And so we have seen a stock market boom, people are more enthusiastic, right? Why is the stock market booming? Because they think that interest rates will come down. What does that lead them to believe? Well, that is good news, because then people will be able to borrow more and will be able to grow again.

Well, if you follow me a little bit, though, we are getting into a catch-22 situation because if indeed those interest rates do come down as a result of the slowing of the economy and then we see another period of economic growth which all those folks in Wall Street want to see so badly, will not the response of the Federal Reserve Board be to tighten up again? Because they are now explicitly saying not just the money supply is going to be the measurement of the Federal Reserve activity, they are now saying that certain rates of GNP growth are unsustaintable. And indeed they are telling us that the rate of growth in the economy right now is not sustainable, quite regardless of what happens to the money supply. And that is the policy that I am trying to challenge here today, this policy that simply says we must impose an artificial limit on the growth of the economy regardless of what is happening with the money supply, regardless of what is happening with inflation around the country.

I think that that is the policy the Fed is pursuing today, a policy of directly trying to slow down the economy just because they believe that a swiftly growing economy is inflationary.

I will yield to the gentleman from Kansas.

Mr. SLATTERY. Well it is clear that the Federal Reserve System has a tightrope to walk, there is no question about that. We need adequate money supply in this country to accommodate realistic and reasonable growth. And what that is, I cannot scientifically evaluate that and tell you that this evening. I wish I could. But the fact of the matter is, I do not think anyone can. But, nonetheless, I think that nothing the gentleman said here in the last few minutes does anything to refute the argument that in fact we do have in this country and in this world a relatively finite supply of money. And the fact of the matter is that in the United States today we are sucking in capital from all over the world, the last estimate somewhere in the neighborhood of $75 billion last year alone, to meet the credit demands that this country has, both in the public and private sectors. That, of course, has serious repercussions in those countries that are in desperate need of capital around the world who are financing our deficit, in effect. And coupled with that, when you realize that we have this enormous deficit——

Mr. WEBER. If I could reclaim my time, why does the gentleman think that that capital is so willing to come here?

Mr. SLATTERY. Because when you look at the global situation today, I would not want my money invested in some of the Third World countries, the less developed countries, in light of the very precarious condition of the banks in those countries, and I do not think there is a better place in the

world, perhaps, to invest your money than in the United States.

Mr. WEBER. That is precisely the point.

Mr. SLATTERY. And the reason, of course, is because of our high interest rates in real dollar terms.

Mr. WEBER. But there are countries that have higher interest rates than we do that are not able to attract this tremendous amount of foreign capital.

Mr. SLATTERY. Perhaps not in real dollars terms, though. And that is the key thing, the real dollar return on your money. And not only that, with the dollar over the last few years rising in value, from an equity standpoint you not only get the return on your money, you get a greater return of your money. You get real growth in the value of the dollar plus the high interest rates. So it is a great investment, there is no question about it.

Mr. WEBER. It is an investment primarily because of the strength of this economy, because we have done things over the last 3 or 4 years that have reduced the rate of inflation, that have reduced the rates of taxation on capital and labor, we have deregulated large portions of our economy, which stands in direct contrast not just to the Third World, which has a whole set of problems, but countries like France. We see capital coming from Europe into this country.

Mr. SLATTERY. No question.

Mr. WEBER. Because they have maintained high effective rates of taxation in Europe, because they have not deregulated their industry in Europe, and because they have not managed to lick their inflation problem in Europe. And that is at least a good part of the reason why capital is flowing to this part of the country. It is a good part of the reason why France is following or preparing to follow basically the same set of policies that we have been following on the fiscal side in the country in the last 3 years. Mitterrand just cleaned out his whole government and put in a new group; of people who are dedicated to what? Deregulation, denationalization, and tax reductions, because that has worked here. Again, it strikes me as ironic that we are now, in view of many people, trying to move away from those policies in this country. Certainly that is the view of Mr. Mondale, that we should move away from the very policies that are now beginning to be imitated around the world. And it is the view of the people in my party, as well, I am sorry to say.

Mr. SLATTERY. Well, I am going to have to leave in just a few minutes, but the point again I want to make is I am one of those people who strongly believes in the crowding out theory, and I think that all we need to know is what percentage of net private savings, what percentage of capital in this country, available capital in this country, is being consumed by Government. And the fact of the matter is that over the last few years that percentage of net private savings, that percentage of available capital in this country that is being consumed by government at all levels is substantially higher than it was in the 1960's, and that, in my judgment, is the principal reason why we have the kinds of interest rates that we have now.

We are not going to really have a strong sustained economic recovery for a decade like we had in the 1960's until we restore some balance to this, until we get the Federal Government and other agencies of government across this country out of the business of dominating the credit markets.

I hope that in the weeks and days ahead we will have an opportunity to more fully debate this. I have enjoyed this. I thank the gentleman.

Mr. WEBER. I thank the gentleman from Kansas for his contribution.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I, too, think it was very valuable for the gentleman from Kansas to participate in the manner that he has, and I think we all look forward to having that kind of discussion in the days and weeks ahead.

I think that one of the things we have got to look at, though, in the crowding out theory that the gentleman talks about is just exactly how that crowding is or is not taking place. There is absolutely no doubt whatsoever that if you have massive deficits, they do have an impact on the credit markets. That is undeniable. That is the reason why a number of us want to move toward a balanced budget amendment to the Constitution, so that Government does not participate in that way in the normal investment channels.

On the other hand, I think you have got to take a look at the economy as it now exists. Most of these theories about crowding out are based upon an industrial economy modeled after our experience in the 1940's, 1950's, and 1960's. We are taking a look at investment needs in the economy as the economy existed at that point. We are saying that the economy only has so much capacity for production, that there is only so much available capital in the normal traditional capital markets, but we are not looking at the fact that this economy is largely expanding, and a lot of the growth that has been built in, a lot of the GNP growth that we have seen in the last few months is outside those normal traditional channels.

□ 1700

That it is not necessarily purely an industrial recovery; that the investment we are talking about is not purely investment in that industry economy. It has been a benefactor, but that an awful lot of the growth has come in the small business sector. It has been the formation of small proprietorships. It is capital not necessarily borrowed directly from normal channels, but capital that has been accumulated by families as a result of the tax cut, for example, that they have invested in their futures.

Mr. WEBER. I hope the gentleman will spend a little bit of time developing that, because in the debate we had on the floor here last week, that was an important point that was raised by some Members on the other side of the aisle when they talked to some of their large industrial employers, they were told that the tax cut legislation did not have a particularly beneficial effect, and the gentlemen made the point that he is now making at that time. But I hope that he will expand on that a little in explaining why it is that the tax cuts have been beneficial primarily in that small business and now entrepreneurial sector of our economy.

Mr. WALKER. Well, let us understand that many of us believe that we are in a transition phase in our national economic life where we are moving out of that industrial economy into a new economy that will include some of that industry but will also include a lot of new investment opportunities and a lot of new growth oppportunities, that the tax cut has played into that.

Let me try to use an example here. We are proceeding with some of the things that we do economically in this country as though we were a tourist headed for Europe. We went into the travel agency and we said we want to get the next available trip to Europe, and they said, fine, here is the cost of the ticket. You would say, now, when could I expect to arrive, and they said, well, it will take you a month and a half. You would say, a month and a half, why is that? And they say, well, that is how long it takes the clipper ships to get across the ocean. You say, but wait a minute, this is the jet age that we are in; I can get there in 6 hours. They say, well, that might be that there may be jets out there on the runway, but our scheduling is based upon clipper ship travel.

Well, right now we have got a situation where much of what we are doing in terms of protecting the economy for the future is based upon outmoded views of what goes on in the economy. We base our whole idea of what the economy can absorb on our industrial capacity in the country. That is one measurement. We have got to look at that. We want investment in our industrial base. I am not denying that whatsoever. But we have got to also look at the newly forming economy

that is taking place, the informational economy.

The whole business of small businesses that are growing up, the video tape industry being one. Here is a whole new phase of the information age that has grown up. Virtually every small community now has an outlet that is renting or selling video tapes. Most of those outlets did not exist 2 years ago, and yet that is a small business that is a growing part of our economy at the present time.

Most of those are sole proprietorships; most of them are family-owned businesses. Most of them are there because people are taking advantage, not in the industrial economy of the past, but in a future economy that is based upon information as one of its key components. That is all taking place, and yet we are ignoring some of the signs of what is going on in making our economic projections.

The Federal Reserve is doing that; the Federal Reserve in tightening up on the money supply, believing that we are going to have inflation because we are nearing the productive capacity of the country, is doing so based upon the false premise that we are nearing that ceiling. My contention would be, and I think the contention of the gentleman from Minnesota is we are not nearing any kind of a ceiling. That the ceiling is something which has over the last couple of years, as a result of some new enthusiasm, has literally been lifted. We have gone up three or four stories above where we were before.

We have no idea what the limits of that ceiling may be. We stretched out those limits in the 1960's; the 1980's is a whole new ball game.

Mr. WEBER. I think the gentleman makes an excellent point. Monetary policy is probably one of the significant ways in which we are today seeing policies imposed which have as their explicit objective, slowing down the economy, reducing the rate of growth of the economy and imposing that artificial ceiling.

There is a second policy initiative that is sweeping forward, at least in this city, which has really the same objective or will pursue the same objective, and that is a tax increase. At the same time that we are seeing the Federal Reserve saying that they are going to slow down the rate of the economy through monetary policy, we find that the Democratic Presidential candidate, Mr. Mondale, and unfortunately, many spokesmen on our side of the aisle as well, saying that they want to impose big tax increases on the economy for more or less the same reason. Both of those policies would have the effect of, you know, when we were younger we used to hear half-joking stories about a young man growing too quickly and his mother would say, I am going to put a rock on your head to slow you down. That is really what Chairman Volcker and some of the tax increases proponents are saying. We are going to put a rock on the head of this economy to try and slow it down. Nothing could be less helpful for our economy at this particular point.

Mr. WALKER. Because they believe that we have a future wave of inflation coming as a result of approaching that artificial ceiling that they set. We have no imperical data which suggest that there is going to be a wave of inflation. That in fact the 12-percent rate of investment that we have seen, the 7- to 9-percent growth figures that we have seen has not produced massive new inflation. It has produced growth at relatively low inflation rates.

Mr. WEBER. Furthermore, there are substantial signs within the economy not of inflation, but of deflation. Basic commodity prices, copper, gold and basic commodities have been declining in value, not increasing. In my district, and I am sure in the gentleman's district as well, but particularly in the agricultural Midwest, our biggest problem, I would argue, or one of our biggest problems in agriculture has been the sharp decline in land values at the same time the Federal Reserve Board is telling us that they have got to slow down the economy because they are worried about inflation taking off, farmers are going broke in my district because the value of their land has been written down by Federal examiners coming through the banks by 50 percent. Now, that is a lot of money.

Mr. WALKER. A lot of people may not understand that that is the way farmers basically leverage their income is on the value of their land. So that if you do in fact deflate the value of their land, it does not allow them to leverage money at the lending institutions any more, which means that they are in deep financial trouble based upon past debt accrued, largely based upon the value of their land.

The gentleman is absolutely correct, and that is, in fact, a deflationary kind of thing that is going out there.

I think it is also important to recognize that those who ascribe to the crowding out theory also have a problem, it seems to me, when they talk about tax increases as being a solution to the crowding out theory. Both a tax increase and Federal debt are crowding investment out. They take away from investment. If in fact Federal debt takes away from the savings pool, and it does, but if that is your basis for raising taxes to bring down Federal debt, when you take the taxes away from the people who would be the savers, you have the same direct impact. That money will not go into the investment market than in the first place. It will not be there to crowd out because it never will have gotten there because people will be paying it in taxes.

The reason why you have an expanding credit pool at the present time is because of the lower tax rates. It has allowed many people to have some money to put into savings they did not otherwise have. More importantly, it has caused some people, particularly in upper income categories, to take their money out of shelters and put it into productive investment areas. That has meant that we have had the expanding pool that has covered both the national debt plus a 12-percent increase in investment. It has been a remarkable kind of thing given the rates of Federal debt that we have had.

It seems a somewhat convoluted economic theory to suggest that you are going to solve the problem of the credit markets by taking money away from the people who invest in those credit markets. That makes no sense whatsoever. That is the reason why you come back and say if you are going to make any sense about how you lower deficits, you lower deficits by growth. If you get people investing, if you get the economy growing, you employ more people and you bring down deficits as a result of growth, then there is no clash there. But if you say that you are going to solve the crowding out situation by reducing the size of the credit pool available by taxing it away from people in the first place, you run head on into the problem that caused the massive economic woe of the 1970's.

□ 1710

That is precisely what we tried in 1970. We tried to keep down the national debt, although we were on a massive spending binge, by raising taxes to abnormally high levels. As a result, we got negative growth in the economy, which raised the deficits even more than the spending was doing, and we had nothing happening in the credit markets because nobody had any money to save.

Mr. WEBER. That is exactly right. And, of course, that is really getting very close to the nub of what we need to be talking about in terms of tax policy.

What are we seeing, for just a minute, out of Mr. Mondale in his proposals regarding taxes? He has come forward and said, in the view of many very courageously, that he is for a big tax increase, based on the crowding out theory, that he is going to reduce the deficit with a big tax increase, and that will bring interest rates down, and all that.

I would argue strongly that that is not nearly so courageous a statement as it appears to be on the face of things because, when asked which

taxes he is going to raise, he says he is going to raise taxes, of course, on the rich. That is a game that is played all the time around election time. "I am going to raise taxes, but never on the taxes of the people who vote for me. I will raise taxes, of course, only on the wealthy and the big oil companies; anybody other than the people who vote for me in my district."

It never really works that way, but that is what the politicians promise. One of Mr. Mondale's specific proposals has been to increase income taxes on those people earning more than $50,000 a year, again because that makes good political speech material. You do not have to turn off any of those voters out there. You can say, "It is only your rich neighbor that I am going to raise taxes on. You do not need to worry about it."

But even if you accept that, and I do not, I do not think it is a sensible policy to begin with, what has actually happened to revenues from that over $50,000 income bracket since President Reagan was elected? We are told, or led to believe by the Democrats, that these people have gotten some tax windfall and they are paying virtually no taxes at all. The fact is, the taxpayers over $50,000 of income are contributing 17 percent more of total Federal revenues than they were before the tax cuts were enacted, and they are doing so not for any mystical reason but for precisely the reason the gentleman from Pennsylvania alluded to a few minutes ago.

When you reduce that top rate from 70 percent to 50 percent, you reduce the incentive to shelter income from 70 cents on the dollar to 50 cents on the dollar. All of a sudden we have found a lot of people in those upper income brackets deciding to pull money out of tax shelters and to put them into productive and taxable investments.

It is very interesting if you look at the figures. On the richest people in our country, people with an annual income of over $1 million a year, the kind of incomes we cannot hardly even imagine, those people have actually seen their taxes, the percent of revenues that they contribute, increase 43 percent under the Reagan administration; again, because they have less incentive to shelter their income any more.

Taxpayers below the $50,000 level have gotten a net tax reduction from the Reagan administration. The percent of revenues that they are contributing is lower than it was before President Reagan was elected because they have benefited from the tax cut.

But the point I make, then, is: What sense does it make, as Vice President Mondale suggests, then to argue that we are going to close the Federal deficit by raising tax rates on those individuals earning more than $50,000 a year? All we will do is drive those people back into tax shelters. We will probably end up with a net decrease in revenues rather than a net increase in revenues. But Vice President Mondale, if he were to become President, would then be confronted with the question: Where are you going to raise taxes? You have promised to raise taxes. You have made all these promises to special interest groups about domestic spending. Now where are you going to raise taxes since you cannot get it from those rich people and big companies that you told the voters you were going to get it from?

Where it is going to come from is right out of the neck of the working class people, the small businessmen and the farmers. That has always been the way it has been in this country and that is exactly the way it would be under a Mondale administration.

Mr. WALKER. If the gentleman will yield, the gentleman is absolutely correct. The other place they talk about getting it, of course, is out of military spending. We ought to at least, if we are going to be courageous and blunt, we ought to at least be honest as a part of that.

If, in fact, you are going to get it away from people over $50,000, the fact is, you can tax away all of their income over $50,000 just absolutely confiscate all income over $50,000, including people who go out and win the lottery; no more lottery winnings over $50,000. Just confiscate away all income and you will get enough money to run the Government for about 21 days.

Mr. WEBER. Twenty-one days.

Mr. WALKER. Twenty-one days, if you absolutely confiscate all of that income. We have 90 days' worth of deficit. He says that he is going to reduce the deficit by two-thirds. That means that he is going to reduce the deficit by 60 or those days. Let us say he decides to go to confiscatory taxation, and I do not think even Walter Mondale is willing to do that, but let us say he does that. He has 21 days of the 60 days he needs. Where in the world is he going to get the other 40 days.

And he says he is going to get that out of the military budget. Forty days of spending out of the military budget would be a massive cut, far beyond what was rejected in the Democratic platform as a cut. It is far beyond that that was cut. And Walter Mondale does not support that amendment that was offered to the Democratic platform and rejected. He supports an annual 4½-percent increase in the defense budget over and above what we are now spending.

Mr. WEBER. I think that is really important to focus on, because we may have differences between the two parties on appropriate levels of defense spending, but my constituents, and probably the constituents of the gentleman from Pennsylvania as well, are under the impression that somehow the Democrats are going to balance the budget through substantial reductions in defense spending.

The fact is that when they get through with all their rhetoric about the outrageous Reagan increases in defense and how wasteful it is and how we do not need this system and that system and the other system, as the gentleman points out, the Democratic Presidential candidate and the Democratic platform are committed to real dollar increases in defense spending. That means more increases than the rate of inflation, 3 to 4-percent real increases in defense.

That leads us to two questions. First of all, if all of this horrible spending we have been doing over the last 3 years is really so destructive, then why is it that the Democrats do not feel that they should reduce defense spending, get rid of some of these things that they say we have not needed? We do not hear that. In fact, we hear from them additional increases are needed.

I do not necessarily take issue with that, but I think it is important that the people understand exactly what it is the Democrats are saying. They are lambasting defense spending and then calling for more of it.

Mr. WALKER. Let us put it in terms of numbers, so people understand what they have committed themselves to. If they commit themselves to 4-percent real increases in defense spending, and you take a look at present inflation, which is at about 4 percent, they are really saying that they are willing to see, given the present climate, if inflation does not go up, they have committed themselves to at least 8 percent increases a year in defense spending. That is, in terms of the present defense budget, which is around $250 billion, tht is approximately $20 billion a year more than is presently being spent that they have committed themselves to for the next 4 years.

So we are not talking about reducing the deficit there. We are talking about deficit add-on; maybe not quite as fast a deficit add-on, but nevertheless a deficit add-on.

Mr. WEBER. That is exactly right.

Mr. WALKER. So they are not going to get rid of their deficit problem. They are not going to reduce the deficit by two-thirds based upon that formula. If they are not going to do it with massive taxes beyond massive new taxes on the rich, the question then really becomes, is this not a total phony?

Mr. WEBER. There is an additional area where they could cut, of course, and we should talk about that for a minute because almost three-fourths

of the Federal budget is not defense spending, it is domestic expenditures. So we might ask the question: If they are going to increase defense, what are they going to do with domestic expenditures?

That is when it really gets scary. If you read through the Democratic platform, there are promises—maybe they do not put numbers on them—but there are promises for expansions of spending in virtually every area of the domestic budget.

Mr. WALKER. They have costed out the education one, and that is $11 billion that they have committed themselves to additionally in education. They did not put the figure in their platform, but there is one item in there on the environment where they have committed themselves to $153 billion of additional spending. I had it costed out. They have committed themselves to $153 billion more than we are presenting spending.

For just one item, for just one sentence in the Democratic platform, $153 billion more.

The gentleman is right. It gets scary when you begin to look at the cost of what they are talking about.

Mr. WEBER. They also repeat their call for some form of national health insurance, as they have for many years now. It is not particularly specific, but I have seen numbers for various national health insurance programs, and even the most minimal of those programs costs $20 billion or $30 billion in its first year.

□ 1720

Then you start looking at some smaller items like support for the arts and all the different programs.

Mr. WALKER. Do not misunderstand, that is $20 billion or $30 billion more than what we are presently spending on medicare and medicaid and a lot of these programs.

Mr. WEBER. The gentleman is absolutely correct.

Mr. WALKER. That is add-on spending that we are talking about, not total spending in the health area for national health care programs.

Mr. WEBER. I think, frankly, that that is what GARY HART was getting at when he was running for President against Walter Mondale and he talked about special interest groups. He was saying basically that his opponent, Mr. Mondale, was getting himself in an untenable situation by promising everything to every interest group in an effort to get the Democratic Presidential nomination.

Well, the fact is that he was right and now we can judge the impact of that process and the impact is that this Presidential candidate and the Democratic party is committed to a vast expansion of domestic spending, also committed to a modest expansion of defense spending, as well as committed to balancing the budget. How? Through tax increases, and when you put it in that perspective, the magnitude of the tax increase that they would have to vote through in order to accomplish all those things becomes awesome.

Mr. WALKER. The President calculated it the other day, $1,500 for every working family in the country, and Mr. Mondale came out on the wire services today protesting that figure. He said that figure was complete nonsense.

Well, in fact, if you start to put all these figures together, $1,500 begins to sound like a minimal figure of what the average working families are going to have to pay in order to do all the things that they are talking about and yet reduce the deficit by two-thirds, so that the President is right on target by suggesting that that is the real secret tax plan that exists in this country.

Mr. WEBER. Oh, absolutely. I think that if anything, the $1,500 figure that the President ascribed to Mr. Mondale's plan may be minimal and the reason I say that is that if you look at the impact of that tax increase that Mr. Mondale is proposing on the economy, you have to come to the conclusion that it is going to slow this economy down a lot.

Well, the deficit has been reduced this year by about $30 billion from last year's level, solely through economic growth and if we have a stronger economic recovery for the remainder of this year that people have been anticipating, it may be even a little more reduced, only through economic growth. That is a lot of money, $30 or $40 billion. If you talk about a big tax increase, so big that it slows the economy down and puts us back into another recession, you are going to see that in itself increase the deficit, because revenues are not coming into the Treasury, more money is being spent, and so the $1,500 figure suddenly far from seeming outrageous may well be a minimum figure. It may be more than that if we are thrown into a recession which would result in further expansion of the Federal deficit that Mr. Mondale is so concerned about.

Mr. WALKER. And American families need to ask themselves whether they believe they are so fundamentally undertaxed at the present time that they can afford another $1,500 in Federal taxes in order to meet the demands of a big new spending program, because that is what we are really talking about. Instead of trying to control spending here in this body or in the Government as a whole, we are going to try to solve the deficit problems with additional taxes from the American people and the American people then are being asked in addition to not being able to afford their homes because of high interest rates, in addition to not being able to afford new cars and a lot of other things that they might like, in addition to not being able to afford their children's education, all of the opportunities that they want for themselves and their families becoming unaffordable because of high interest rates. In addition, we are going to impose another $1,500 a year in taxes on that working family.

Working families in my district cannot afford that additional money, I know that, and I doubt that there are working families anywhere in the country that can afford those kinds of additional tax burdens, and yet that does appear what we would have to talk about in order to implement the program that has been outlined for us in some detail in the Democratic platform.

Mr. WEBER. That is exactly right, and the ways in which they may come up with those taxes would be very surprising to a lot of people. We do not know exactly where those taxes are going to come from, but if you look at some of the proposals that have surfaced in the House of Representatives, controlled by the Democrats over the last couple years, you get a good idea.

Chairman ROSTENKOWSKI of the Ways and Means Committee, as well as the Democratic study group, have been proposing, among other things, for the last year or so basically what amounts to an increase in the estate tax. Now, that may not mean much to some of these folks from the inner city, no offense intended to those folks, but in my part of the country and the part of the country of the gentleman from Pennsylvania, where we have family owned farms and small businesses, the estate tax is a terrible burden, a burden that over the last decade literally forced thousands and tens of thousands of farmers and small businessmen off their farms because the heirs could not meet the estate tax payments when the breadwinner died, if you will, and so to propose that kind of an increase would be terribly damaging to agriculture and small businessmen across the country.

Now, I am not saying that that is the way we would find the revenue. I am just saying nobody knows. When you talk about big tax increases, somebody's ox is going to get gored, and there are people that have been proposing that we raise the estate tax. That may well have to be one of the ways in which then President Mondale seeks to raise revenues.

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

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

Mr. WALKER. One of the proposals that I understand they were reviewing was that they would adopt the Brad-

ley-Gephardt tax reform proposal as one way of raising additional revenues.

Now, I think the gentleman would agree with me that we need to have some sort of substantive tax reform. We do not have any problem at all with the idea that we ought to reform the Tax Code in this country, get rid of a lot of loopholes, get rid of all the special interest garbage that is done in there and have a better Tax Code out of it. We are all for that.

Mr. WEBER. Lower rates.

Mr. WALKER. But make certain that it is a hold harmless on families in terms of additional taxes, that we reform the code while not charging them additional taxes.

Now evidently one of the things they are looking at up at the Mondale homestead is the possibility of using Bradley-Gephardt as a vehicle to get their additional tax revenues.

How would they do that? Well, it would mean that they would reform the Tax Code, but you would end up with higher tax rates. That is the problem.

Second, Bradley-Gephardt as presently constituted eliminates all indexing. Indexing is purely a middle class, middle income tool. It protects middle income people. It does nothing for the wealthy whatsoever. They are already in the top tax brackets.

Mr. WEBER. Let me expand on that for just a minute, because that is a critical point and it is important that people understand why that is the case.

Basically, the way that we raised taxes throughout the 1970's without Congress having to vote on it was inflation would put people into a higher tax bracket, even though they were not able to buy any additional goods and services with their income, so they would pay a higher percentage of their inflated wages. Indexing will prevent that from happening, but it only protects people, of course, that are in the middle and lower income brackets, because those are the people that will be moving up into higher and higher brackets. If you are already a very wealthy person, already in that top 50 percent tax bracket, you could care less if there is any indexing because you cannot be pushed into a higher bracket. So as the gentleman points out, indexing benefits solely middle and lower income people. It is of no benefit at all to wealthy people who are already in that top tax bracket, and for the Democrats to suggest getting rid of that really indicates that the ultimate victim of their tax increase is going to be the working people.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. The other evening when one of the authors of that particular tax bill was on the floor, I confirmed with him that indeed in their package they do eliminate indexing in their package.

The other thing that their package does is that it discriminates against families, because it includes a $2,000 per person adjustment for a husband and wife who are working, but if you have children, it only allows a $1,000 for each one of those children, so that in fact the bill discriminates against families, so that you have a proposal evidently under consideration in the Mondale camp as a way of raising additional tax revenue that would be discriminatory with regard to lower and middle income wage earners, and also discriminatory toward families in the country.

I would suggest that that is not exactly the populist approach to taxes and it raises questions again about just exactly what is going to be imposed on the American people in order to get the taxes that Mondale needs to do all the things that he says he is going to do.

Mr. WEBER. The gentleman makes a good point.

I have about 10 minutes left in this special order. Let me conclude by really talking about what I initially intended to talk about, which is to get to the other side of the coin. How exactly do we believe that the deficit should be approached, what do we believe is a balanced approach to the economy right now?

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

Mr. WEBER. I would be glad to yield to my friend and colleague.

Mr. CRAIG. Recognizing the gentleman's timeframe and knowing how important it is that the gentleman bring a conclusion to this, let me add, I have monitored the gentleman's discussion here, but more importantly, I read the text of candidate Mondale's radio message to the American public over the weekend. I thought it was unique, and I guess I could say I thought it was a little daring, that he would actually come up before the American people and say, "I'm going to raise taxes."

In fact, the reason I use the word "daring" is because most of us in our political lives have learned that something you never talk about in an election year is taxes and the possibility that they might have to be raised or that you might have to place an additional burden on the American taxpayer; but here we have a candidate for President who is breaking all the political rules, I guess one could say, in talking about that.

So my thought went on beyond that and I said, why would he be so daring to do so? The only conclusion that I can draw is that that is all he knows. That is all he can talk about. His mind, his ability to imagine, his ability to create new ideas and new approaches, does not exist.

Mr. WEBER. I think the gentleman makes an excellent point. We have to remember who Walter Mondale is. He is the last candidate, if you will, of the establishment that has for 50 years been building a liberal welfare state.

□ 1730

That is all they have done for 50 years and for a long time you could argue it did not have such detrimental impact on our economy. When the percentage of revenue or of the economy absorbed by the Federal Government was relatively low, when we had a serious problem in terms of the Depression in the 1930's, the idea of redistribution of income through the tax system and through a centralized government may have made more sense.

But we find the man running for President today on the Democratic ticket basically has precisely the same philosophy of government that was applied 50 years ago, and it just does not make any sense in this economic environment.

Mr. CRAIG. Will the gentleman yield?

Mr. WEBER. I yield to the gentleman from Idaho.

Mr. CRAIG. I have to agree with you, and that is why after I heard that on Saturday the thought processes ran and I thought, my goodness, that is daring. But at the same time that it is daring it is also predictable. It is very predictable based on what you have just said about the gentleman and his experience, his political philosophy and from whence he comes. I think we could expect that.

There is a sadness in it and the sadness is that in this two-party system one of those parties is so absolutely bankrupt for new thought and new ideas today that they have to revert to something that the American public said loudly and clearly in 1980 we will have no more of, and I think we continue to say that as a public. And it is incumbent upon this Congress and gentleman like yourself and myself and the gentleman from Pennsylvania, to try to deal with new ideas that will solve these impossible problems or at least some that appear impossible at times. I think clearly you are on the right course and I thank you for taking out this special order today to discuss the problems, bring them into context or into a perspective that not only you and I can understand, but the American public can understand a great deal more clearly. I thank you for this opportunity.

Mr. WEBER. I thank the gentleman from Idaho for his contribution.

In the minutes remaining, let me just say those of us on the Republican side who are critical of the tax increase avenue are very concerned about the course of our economy. It is not that we are complacant and simply

say that we should do nothing. It is just we think that tax increases are exactly the wrong thing to do.

One of the pieces of evidence of our concern was a set of hearings held today by the Republican Study Committee chaired by our colleague BILL DANNEMEYER from California. I would like to just conclude by talking a little bit about those hearings and then inserting some materials in the RECORD.

The hearings that were held today were on monetary policy because it is our belief so strongly that the most important element of our economic policy must be to assure that economic growth can continue and indeed expand, both because that is good for the American people and because that ultimately is the best way of reducing the deficit.

It is thus far the only way we have reduced the deficit, through economic growth, so we held a series of hearings on monetary policy to take a look at the Federal Reserve Board and try to find out why it is that interest rates are high, and what we can do to bring them down without starting off inflation.

I would like to go through the list of the panelists because it was a very impressive set of hearings. It was chaired by the gentleman from California [Mr. DANNEMEYER]. Among the witnesses were Dr. Paul Craig Roberts, a William Simon professor at the Center for Strategic and International Studies of Georgetown University; Dr. W. Cleon Skousen, president of the Freeman Institute in Utah; Mr. Alan Reynolds, vice president of Polyconomics, former vice president of the First National Bank of Chicago; Mr. Robert J. Genetski, vice president and chief economist of the Harris Trust & Savings Bank, Chicago, IL; Dr. Ibriham Oweiss, professor of economics at Georgetown University and former chief of the Egyptian Economic Mission to the United States; Prof. Hans F. Sennholz, professor of economics at Grove City College; Prof. Antal E. Fekete, professor of mathematics and statistics at Memorial University of Newfoundland; Mrs. Elizabeth Currier, president of the Committee for Monetary Research and Education Incorporated; Mr. Charles W. Cadlec, executive vice president and research director of A.B. Laffer Associates; and our colleague, the Honorable JACK KEMP of New York.

These ladies and gentlemen presented their views on economic growth and monetary policy. Although they did not agree in their entirety, most of them were harshly critical of the way in which the Federal Reserve Board is currently conducting monetary policy. They argued for us to establish some kind of a standard, a standard perhaps based on gold, or based on some other commodity or basket of commodities that would in effect guarantee the value of the dollar because, after all, that is what interest rates are all about. If you can guarantee the value of the dollar to the lender, the lender has no reason to charge an exhorbitant rate of interest because, after all, what the lender wants is the rate of inflation back plus a reasonable return. If you can guarantee the value of the dollar there is no reason why interest rates should not fall as a rock, and that is indeed what many of these experts said to us in the course of their testimony today.

Three pieces of testimony I thought were particularly informative, the testimony of Dr. Paul Craig Roberts, the testimony of Dr. Robert Genetski, and the testimony of our colleague from New York, the Honorable JACK KEMP.

Mr. Speaker, at this time I include in the RECORD the text of the testimony as presented today to the Republican Study Committee:

TESTIMONY ON THE NEED FOR MONETARY REFORM; AUGUST 6, 1984, PAUL CRAIG ROBERTS

In the conduct of monetary policy, discretionary judgments have replaced principle. The view prevailed that the monetary authorities could do a better job if they were unencumbered with restraints and had the advantage of flexibility. However, in practice, discretionary behavior is not predictable and so uncertainty rose in the financial markets. Discretion also allows the monetary authority to behave in self-protective ways.

The removal of constraints on the Federal Reserve was gradual, and in today's system of fiat money and floating exchange rates, it seems to be complete. In the public mind the stability of financial markets rests on nothing more than the credibility of the Federal Reserve chairman. Monetary uncertainty is a form of bad taxation, and disillusionment with discretionary management has produced demands to make the Federal Reserve accountable by placing restraints on its behavior.

The most often mentioned constraints are: (1) to require the Federal Reserve to publicly announce all policy decisions at the time they are made, (2) to make the Secretary of the Treasury a member of the Federal Open Market Committee, and (3) to make the term of office of the Federal Reserve chairman concurrent with that of the President of the United States.

All of these changes would, I believe, increase the effectiveness of the Federal Reserve system. Today the ever-present uncertainty about the course and direction of monetary policy adds premiums to interest rates and reduces the stability of financial markets. The independence of the Federal Reserve and the secrecy with which it conducts monetary policy means that every President risks having his policies crowded out by those of unelected officials.

When there are no clear rules, the central bank can substitute its own judgment. When this judgment is influenced by hysteria and ill-informed theories as it was in 1981, and as it may still be, the whole nation suffers, and the economic policies of elected officials are preempted by Federal Reserve decisions.

I believe most adverse judgments by the Federal Reserve are due to the absence of clear rules and constraints on its behavior. Legislative steps that would reduce Federal Reserve secrecy and increase the predictability of monetary policy would enhance the prospects for successful economic performance.

The Federal Reserve is an agency of Congress, and it is a promising sign that Congressmen are considering integrating the Fed into the rest of the government and making it accountable on the basis of principle and well-defined law.

MONETARY REFORM—ISSUES AND IMPLICATIONS

(By Robert J. Genetski, Vice President and Chief Economist, Harris Trust & Savings Bank, Chicago, IL)

The persistence of high interest rates at a time of low inflation has focused attention on a possible reform of the U.S. monetary system. The potential benefits from such reform are enormous. So are the potential problems. At its best, monetary reform would assure price stability, a reduction in inflationary expectations and a substantial decline in interest rates. At its worst, such reform would reintroduce the potential for monetary disturbances—disturbances which provided the impetus for creating the Federal Reserve System.

Attempts to reform the monetary system should contain two essential features. First, the system should contain a standard or anchor that will effectively withstand pressures to depreciate the currency. Such a standard should be rigid and understandable, so that savers and borrowers are convinced that the value of their money is likely to remain stable over time. Second, the system should be sufficiently flexible to permit temporary changes in money to counter short-term disturbances.

THE ESSENCE OF A MONETARY SYSTEM

The specifics of any monetary system can be extremely complex. However, the essential issue is always the same—who or what will control the supply of money and according to what criteria? For most of the 19th century the U.S. monetary system consisted of what might be termed a traditional gold standard. Under this system, control of the U.S. money supply was dictated by the worldwide supply and demand for gold, by international monetary flows, and by the public's preference for bank deposits versus currency.

This system appears to have worked well in providing price stability over long periods of time and in keeping inflationary expectations and interest rates fairly low. It does not appear to have worked well in promoting stable business conditions. Frequent panics and monetary crises characterized the period. External shocks, such as an abrupt switch in foreign investment out of the U.S., or a loss of public confidence in banks, led to an outflow or hoarding of gold. During such times the flight from bank deposits to gold currency led to an automatic squeeze on the money supply. Since this occurred at the very time that the system was already experiencing difficulties, the monetary system served to intensify these problems. To the extent that a free market for gold existed, a liquidity crisis would be expected to lead to upward pressure on the price of gold, thereby sending an entirely inappropriate signal to the monetary authorities. For these reasons, there were on numerous occasions in the 19th century and into the early part of the 20th century when the gold standard was suspended or

the U.S. Treasury intervened to limit monetary disturbances.

Testimony before the House Republican Study Committee, Washington, D.C., August 6, 1984.

The inability of the gold system to provide a cushion for short-term shocks led to the creation of the Federal Reserve. The main objective in establishing the Fed was to provide for some short-run flexibility and help moderate the adverse effects of various shocks to the monetary system. At the time the Fed was established (and for many years thereafter), it was widely assumed that the gold standard would be retained, along with its ability to insure long-term price stability. What was not widely recognized was that the establishment of the Federal Reserve provided a fundamental change in the nature of the U.S. monetary system. Now, the supply of money was to be effectively guided by the decisions of individuals working for a government agency. As the pressures upon these individuals changed—as their ideas, bias and interpretations of economic events changed—so too would monetary policy.

In an attempt to provide short-term monetary flexibility, those who created the new system inadvertently removed the guide to long-term price stability. As a result, there has been considerable uncertainty over the future course of monetary policy and hence, the future course of inflation. This uncertainty is reflected in substantial inflationary expectations which add considerable upward pressure to interest rates.

NEW DIRECTIONS

Given the short-term problems experienced under the gold standard, and the potential for extensive inflationary problems under the present standardless standard, our objective should be to combine the best elements of each system.

There are a number of possible alternatives that fulfill these requirements. One possibility would be a system similar to that described in my congressional testimony of July, 1982. That system would give the Fed short-term flexibility over monetary policy, but would remove that flexibility as sensitive commodity prices signaled the onset of either an inflationary or deflationary cycle. Such a system might be complemented by defining the dollar in terms of gold, thereby promoting widespread assurance and confidence that a fundamental change has occurred.

While the specifics are important, they can be debated at some future point. At this point, it is more important to focus on the essence of the monetary debate. Should the U.S. economy maintain the present standardless money standard, or should there be some formal restraint on the unlimited potential to create money? Should the system rely solely upon the judgment of individuals to assess the quantity of money that should be created, or should it have constraints based on market forces which will prevent, or at least hamper, the prospects for future depreciation of the currency?

The present system, without formal constraints to the creation of money, invites uncertainty over future prospects for inflation, and therefore provides substantially higher interest rates than would otherwise exist. Under a system where gold and market forces play an effective role in restricting the creation of money, the prospects for stable prices, low inflationary expectations, and lower interest rates would improve considerably.

TESTIMONY OF CONGRESSMAN JACK KEMP BEFORE THE REPUBLICAN STUDY COMMITTEE, U.S. CONGRESS, WASHINGTON, DC, AUGUST 6, 1984

MONETARY POLICY IN THE 1984 REPUBLICAN PARTY PLATFORM

Mr. Chairman, I appreciate this chance to testify concerning the monetary policy plank of the 1984 Republican Party national platform.

Four years ago, our nation faced a problem called "stagflation." A great many people were saying that little could be done to cure simultaneous high inflation and slow growth. But in 1980 President Reagan and the Republican Party campaigned on a comprehensive strategy for curing it. We proposed tax-rate cuts to re-start economic growth and create jobs; monetary reform to bring down inflation; regulatory reform to reduce the artificial inflexibility imposed by unnecessary regulations; and spending cuts to reduce the government's claim on our resources. While our task is unfinished, we have been successful in producing a strong recovery and creating almost 7 million jobs without inflation.

In 1984, the problem facing the nation is somewhat different. What we have done up to now could be described as emergency treatment to turn around an economy that was failing under Jimmy Carter and Walter Mondale. Now we must go further to undertake fundamental reforms which can consolidate and expand our progress. Specifically, we need a comprehensive reform of the tax code, to broaden the tax base and lower tax rates on both capital and labor; innovative thinking to improve services while trimming spending, such as "privatization" programs; further removal of stifling disincentives, especially in international trade; and fundamental reform of our domestic and international monetary system. I would like to concentrate today on the monetary reform.

Let me go straight to the problem. Since about 1971, chaos in the monetary system has been a direct threat, not only to the United States, but to all the nations of the world. The post-World War II Bretton Woods international monetary system, flawed as it may have been, represented the last time that the world enjoyed the security and stability resulting from sharing a common money. That foundation for world prosperity was abandoned. The closest thing the world has today to an international money is the paper Federal Reserve note; this is what gives Federal Reserve policy such sweeping world-wide implications.

The last 15 years have been characterized by vast world-wide fluctuations in prices, interest rates, and exchange rates, which have played havoc with domestic economies, trade, international payments, and the banking system. This has contributed directly to the increasing threat of protectionism. The only way to remove these threats permanently is to restore stability to the international monetary system.

But doing so realistically requires both a long-run and a short-run strategy. Ultimately our biggest task is to give the world once more a common and dependable international money. But until this is accomplished, we must reform our domestic monetary policy to remove an immediate threat to our economic recovery and to world economic stability. Recent Federal Reserve policy seems designed to slow down the U.S. economy, threaten American jobs, and worsen the problems of the Third World—without justification.

I propose a three-point agenda of monetary reform for inclusion in the Republican platform. These three points address three aspects of policy: how policy is made, what the policy is, and the system within which policy must operate.

First, regardless of the particular policy, we need to open up the decisionmaking process of the Federal Reserve system. There is simply no reason for the Federal Open Market Committee to keep its policy decisions secret for weeks or months after they are made. It has only engendered uncertainty, speculation, and waste. Efficient markets require full and accurate information. That is why I have introduced legislation (H.R. 5459, "The Federal Reserve Reform Act of 1984") that would require the Fed to announce its decisions on the day they are made. This proposal is supported by many colleagues in Congress, by economists like Milton Friedman, and by common sense.

Second, we need a better and more predictable policy. Since 1971, the Federal Reserve has had no anchor for its monetary policy. In recent years, we have seen the Federal Reserve shift from targeting interest rates, to targeting M1, to targeting other monetary and credit aggregates—all with a great deal of hardship to Americans trying to make a living amid this convulsion. Most recently, the Fed appears to be actually trying to slow down real growth and keep unemployment from falling too fast, on the theory that the cause of inflation is too many people working and too many businesses doing business. As a direct result of this policy, we have seen high interest rates, an actual deflation of commodity prices in the past several months, and the first uptick in unemployment in 19 months.

If the goal of monetary policy is price stability, then the Federal Reserve should be looking at some index of market prices—not interest rates or various definitions of money and credit, or GNP, or unemployment. As long as we have no fixed monetary standard, the Fed should be required to adopt such a "price rule." It should decide whether to tighten or ease by observing whether sensitive commodity prices are rising or falling. H.R. 5460, "The Balanced Monetary Policy and Price Stability Act of 1984," is one simple method of enacting a "price rule."

Third, we need to reform the monetary system itself. Quite simply, we need to end the 13-year experiment with inconvertible paper money—just as we ended the experiments with the Continental dollar and the Civil War greenback. We should adopt a modernized domestic gold standard, and seek agreement from our trading partners to make the standard international, in a reformed monetary system that improves on Bretton Woods.

A modernized domestic gold standard could be restored quite simply, by doing three things; defining the dollar again as a fixed weight of gold, requiring all U.S. paper money to be convertible again into gold, and by resuming gold coinage to facilitate convertibility. H.R. 5986, "The Gold Standard Act of 1984," would do these three things.

Until we make the dollar once again "as good as gold," there will be uncertainty about monetary policy, interest rates will be too high, and the world economy will remain under the threat of protectionism retaliation to the effects of wildly fluctuating exchange rates.

Mr. Chairman, these are my suggestions for a "monetary plank" in the 1984 GOP

platform. I am convinced that the Republican Party should show the leadership and vision necessary to reform our monetary policy in this way, and bring the American people closer to our goal of full employment without inflation.

Thank you.

REPUBLICAN STUDY COMMITTEE HEARING ON MONETARY REFORM, AUGUST 6, 1984

RÉSUMÉ OF WITNESSES (IN ORDER OF APPEARANCE)

Dr. Paul Craig Roberts: Dr. Roberts is the William Simon Professor at the Center for Strategic and International Studies of Georgetown University. He was Assistant Secretary of the Treasury for Tax Policy and is the author of "The Supply Side Revolution".

Dr. W. Cleon Skousen: Dr. Skousen is a widely known expert on monetary policy and the President of the Freeman Institute, Utah.

Alan Reynolds: Mr. Reynolds is Vice President of Polyconomics, former Vice President of the First National Bank of Chicago and the economics editor for National Review.

Robert J. Genetski: Mr. Genetski is Vice President and Chief Economist of the Harris Trust and Savings Bank, Chicago, Ill.

Dr. Ibriham Oweiss: Dr. Oweiss is a Professor of Economics at Georgetown University. He was the Chief of the Egyptian Economic Mission to the United States with the rank of Ambassador. In the early 1970's, Dr. Oweiss coined the term "petrodollar".

Prof. Hans F. Sennholz: Prof. Sennholz is a Professor of Economics at Grove City College, Pa. He is a prominent economic advisor and the author of several books including: "Death and Taxes", "Gold is Money", and "The Age of Inflation".

Prof. Antal E. Fekete: Antal Fekete is a Professor of Mathematics and Statistics at Memorial University of Newfoundland. He is a native of Hungary and emigrated to Canada after the Hungarian Revolution in 1956. He has been a student of the gold markets since 1959 and is the author of "Gold and Interest". He was a Resident Fellow at the American Institute of Economic Research and the recipient of a fellowship from the Committee for Monetary Research and Education, Inc.

Elizabeth B. Currier: Elizabeth Currier is President of the Committee for Monetary Research and Education, Inc. (OMRE). OMRE is a non-profit educational organization which seeks to promote greater public understanding of the nature of monetary processes and the central role a healthy monetary system plays in the well-being of a free society.

Honorable Jack Kemp: Congressman Kemp (R-NY) is in his 7th term in the U.S. House of Representatives and is Chairman of the House Republican Conference. Congressman Kemp is the author of the book, "An American Renaissance", which calls for a move toward an improved Bretton-Woods-type system to provide more stable exchange rates.

Charles W. Cadlec: Mr. Cadlec is Executive Vice President and Research Director of A.B. Laffer Associates. He has written extensively in the area of monetary reform with his work appearing in the New York Times, and the Wall Street Journal, among others.

Again, I believe that the testimony those individuals presented, as well as the other individuals appearing before Congressman DANNEMEYER's committee, indicates that we ought to increasingly focus our attention in this political campaign on monetary policy and on the conduct of the Federal Reserve Board and on how we guarantee the value of the dollar, bring down interest rates, and expand the economic recovery which has so far succeeded in bringing down the deficit by $30 billion to $50 billion and created more new jobs in this economy in the last 18 months than the entire continent of Europe has created in the last 10 years.

I thank all my colleagues for participating in this special order and I yield back the balance of my time.

THE FAIR RIF PRACTICES ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. BARNES] is recognized for 10 minutes.

● Mr. BARNES. Mr. Speaker, today I am introducing legislation to reform the Federal Government's reduction-in-force [RIF] practices; 2 years ago, I introduced similar legislation when it became apparent that RIF's were compromising the quality of Federal service. At that time, a leading Federal columnist observed that RIF's and other elements of the administration's personnel program "threatened to create the kind of caricature work force that the President thought he was inheriting."

Last year, RIF surveys conducted by the Federal Government service task force, which I chair, confirmed that RIF's from fiscal year 1981 through fiscal year 1983 affected over 10 percent of the Federal nondefense work force. Our survey findings show that 29,068 individuals were directly involved in a RIF during those years. The Office of Personnel Management, however, has admitted that RIF's trigger a chain reaction that affects four times that many employees. Although the absolute number of RIF's declined significantly in fiscal year 1983 and preliminary figures for fiscal year 1984 are not yet available, the administration's accelerated drive to convert Federal positions to the private sector, coupled with its action to implement recommendations made by the President's private-sector survey on cost control [PPSSCC], threaten to quicken the pace of RIF's.

The Fair RIF Practices Act of 1984 neither prohibits reductions in force nor bars contracting out. It does require Federal agencies to recognize that employees and their representative organizations can make an important contribution to agency effectiveness—a contribution that is lost when agencies and employees become bitter adversaries.

Mr. Speaker, in both the private and public sectors, large organizations that must compete to exist are discovering the advantages of conserving and developing human resources. Human resource development liberates the untapped potential of a work force constrained by imperfect systems and personnel practices. Many experiments in worker participation, conflict resolution, and directed training have begun to reach for this potential by developing a sense of teamwork. Building common interests in this way has already achieved some remarkable results—including significant cost savings.

A number of major business concerns have rediscovered an old truth—that people working together accomplish more than people working at cross purposes. Authoritarian and paternalistic management practices stifle opportunities with which worker experience, creativity, and insight can be tapped to strengthen an organization. Businesses that do not tap human resources to their maximum potential simply operate at a disadvantage in the marketplace.

Not all personnel techniques employed by the private sector have direct application in the public sector. Nevertheless, experiments in teamwork have been tested in the Federal Government with significant success. Congress, as the board of directors of the Federal work force, would be folish to ignore the direct budget savings that can result from harnessing the potential of the Federal work force.

After 3½ years of RIF's, we have learned that RIF's are counterproductive. Major studies by the GAO and the Merit Systems Protection Board confirm that "conditions at the Federal workplace have become much worse." RIF's have fostered paternalistic management approach that provokes combat between labor and management. RIF's pit minorities against nonminorities and men against women. They have interrupted agency operations and effective program implementation. The practice has also proved to be quite costly; taxpayer dollars have been spent on severance pay, lump-sum payments, increased pension costs, and unemployment insurance. Savings projected from reducing the work force are also offset by disrupted operations, for example, which result in reduced revenue collections.

This legislation, Mr. Speaker, ensures that Federal employees have a mechanism which enables them to participate in agency efforts to mitigate the impact of RIF's. It directs each agency to explore all reasonable RIF alternatives and, in the event that the agency cannot independently avoid a RIF, to continue deliberations with full union participation. At this

stage, employee representatives are able to negotiate available RIF alternatives. Should negotiations reach an impasse, the parties may invoke nonbinding, third-party assistance. The agency head must ratify any agreement reached by the parties.

The RIF bill I introduced in 1982 included a number of controversial provisions which have been omitted from this bill. For example, it no longer requires the General Accounting Office to certify agency reports prior to a RIF. I have also eliminated the requirement that the agency submit to binding arbitration if the parties reach impasse during negotiations. I believe the bill I am introducing today provides a more measured and workable approach to achieving management objectives without a RIF.

In the past, RIF's have served both legitimate and illegitimate policy purposes. When Congress and the President agree upon legislation to change existing policy, a reorganization or reduction in force logically follows to ease the policy transition. Management oversteps its legal bounds, however, when it implements policy changes by merely eliminating staff through a RIF, instead of pursuing traditional congressional channels to reduce or eliminate mandated programs. The reporting provisions in the bill should aid congressional oversight of RIF activities and safeguard important constitutional prerogatives. No RIF can take place until OPM certifies that the agency has complied with requirements set forth in the bill. Such requirements include a description of RIF alternatives considered, cost and savings estimates, and an analysis of the RIF's impact upon employees and organizations.

I recognize that not all RIF's can be avoided. In those instances where a RIF must be conducted, however, we can learn a lesson from the Department of Defense where RIF's are conducted with minimal adverse impact on agency personnel and operations. Over 1 million civilian Federal employees work for the Department of Defense. Reorganizations and staff changes routinely occur at Defense and often require RIF's. When a Defense employee is RIF'd, his or her name is placed on an agencywide stopper list. DOD is then required to fill vacancies with employees on that stopper list. Exception is made, however, where there is no stopper-list employee who meets job description requirements.

Given the size and diversity of DOD's civilian work force, DOD is able to place the large majority of its employees affected by a RIF. Their placement policy is humane and enables the agency to retain valued employees. It is sound-management policy that places a premium upon institutional memory and dedicated service. The legislation that I am proposing today would create a Government-wide outplacement system based upon the DOD's stopper list. It would also link placement of qualified employees into agency vacancies where a minimum amount of job training would enable the employee to successfully perform in the job. Up until now, agencies have not attempted to mitigate RIF impacts by training employees to assume other positions.

Mr. Speaker, the Fair RIF Practices Act of 1984 deserves strong support from Members on both sides of the aisle who understand the key role the Federal service plays. I am pleased to report that my good friend from Michigan [Mr. ALBOSTA] has agreed to hold hearings on the bill. I look forward to working closely with his subcommittee in further refining our approach. I urge Members to join me in cosponsoring this important legislation.

I am inserting in the CONGRESSIONAL RECORD at this point a section-by-section summary:

SECTION-BY-SECTION SUMMARY OF THE FAIR REDUCTION-IN-FORCE PRACTICES ACT OF 1984

SUBCHAPTER I—ACTIVITIES DURING A REDUCTION IN FORCE

SEC. 3601. *Definitions; application.* Coverage includes executive agencies, the G.P.O, and the Library of Congress. The definition for reduction-in-force is taken from the current OPM regulation, 5 C.F.R Chap. 351. General-cost-reduction-measures, which agencies must review under Section 3602 of the bill, are cost reductions that can be achieved without changes in pay, benefits or conditions of employment. Political appointees, excepted service appointees in confidential, and policy-making positions are excluded from coverage.

SEC. 3602. *Exhaustion of Alternatives.* An agency may RIF only if, to the extent that, general-cost-reduction-measures including joint labor-management efforts, do not obviate the need to conduct a RIF.

SEC. 3603. *Collective Bargaining.* If, after exhausting the alternatives tried pursuant to Sec. 3602, the agency determines that a RIF remains unavoidable, it notifies the exclusive bargaining representative and begins negotiations designed to enable employees to raise reasonable proposals that mitigate or eliminate RIF impact. The agency is required to provide the representative with information, normally maintained in the course of business, and necessary for a full and proper discussion of the issues. Any negotiated agreement is subject to the approval of the agency head.

Impasse Procedures: If negotiations reach impasse, either party may invoke the Federal Mediation and Conciliation Service or another 3rd party mediator. An impasse exists if the parties do not reach agreement within 45 days after the start of negotiations. If mediation fails, the parties may seek assistance from the Federal Service Impasses Panel. The FSIP is empowered to hold hearings and make recommendations. Such recommendations, however, are non-binding.

SEC. 3604. *Reports; certification.* Any agency may conduct a RIF only after submitting reports to OPM, and if OPM certifies that the parties have met the requirements of the Act. Reports to OPM include a description of the proposed RIF, a description of alternatives considered under Sections 3602 and 3603, the anticipated impact of the RIF on organizational structure—including positions affected, grades changed, duties and responsibilities altered, and an analysis of the RIF's impact upon productivity. Recommendations and views of the bargaining representatives shall also be a part of the report. Also included: the agency's reasons for conducting the RIF, estimates of total costs to government, including any anticipated offsets, a comparison of the cost-effectiveness of the RIF and the alternative plans proposed. OPM may not certify a RIF (enabling the agency to proceed) until all impasse procedures have been exhausted.

SEC. 3605. *Notice to Employees.* Any agency may not give notice of a RIF to employees sooner than 10 days after OPM has certified the RIF. Each employee affected by the RIF is entitled to at least 30 days written notice stating specific actions to be taken and their effective date. In essence, a 30 day specific notice is required. Specific notice is currently defined by regulation.

SUBCHAPTER II—EMPLOYMENT RIGHTS OF INDIVIDUALS AFFECTED BY A RIF

SEC. 3621. *Definitions.* Placement registers are described in section 3624 and should not be confused with retention registers established by agencies in order to conduct a RIF. Agency and RIF are defined as in Subchapter I.

SEC. 3622. *Entitlement.* Each employee who receives a specific RIF notice is placed on a government-wide placement register established by this Subchapter.

SEC. 3623. *Government-Wide Placement Registers.* OPM determines vacancies for which an entitled employee qualifies. Placement registers are set up to reflect the same criteria for ordering placements as is used in developing the retention register during a RIF. Employees shall be considered qualified if they meet the minimum qualifications established by OPM. OPM is prohibited from changing the criteria or order in which criteria are considered, e.g. veterans preference, seniority, and performance.

SEC. 3624. *Priority Placement.* An agency may not fill a vacancy by a new appointment, transfer, reassignment or promotion unless the agency determines that there is no qualified individual on the appropriate placement register who can be certified under Section 3625. An agency cannot withdraw a vacant position or fail to offer an employee on the placement register unless it reports to OPM reasons for withdrawing the vacancy and OPM approves that decision. Employees are selected from the placement register in descending order according to their relative standing.

Waivers. An agency may hire someone who is not on the retention register or hire out of order on the retention register, if the agency head, with OPM's approval, determines that such selection would prevent substantial disruption to an essential agency function, or such selection would increase the percent of women and minorities at an agency to pre-April 1, 1981 levels. If, after reviewing a detailed submission by an agency head seeking a waiver, OPM grants the waiver, OPM notifies each person adversely affected of the reasons, and that the person has the right to appeal to MSPB.

Order of Priority. When an individual is listed on more than one retention register, the individual will be certified under Sec. 3625 for the position which OPM deter-

mines would be least disruptive to the employee taking into account such factors as grade, pay, duties, location and agency.

SEC. 3625. *Certification.* OPM shall certify each qualified individual on a placement register to the appointing authority having a vacancy. The certified employee shall be offered the position unless the agency objects and OPM sustains the objection. An objection may be sustained when an agency demonstrates that the appointment of another individual would prevent substantial agency disruption.

SEC. 3626. *Time on Placement Register.* Employees may remain on the placement register for two years, unless the RIF is cancelled or the individual is offered a position in the same commuting area and the grade and workweek is the same as in the job from which the employee is displaced.

SEC. 3627. *Transmission of Vacancies.* Each agency must transmit, at least once a month, a list of employees to be placed on the government-wide placement register. The agency also transmits a list of each vacant position which the agency will fill within the next 6 months. Employees released between 4-1-81 and the effective date of regulations (180 days after enactment), shall be placed on the placement register if they register for it within 90 days of the effective date of regulations governing the placement registers.

SEC. 3628. *Access to Registers.* OPM shall ensure that agencies notify each individual named on the government-wide placement register and referred for a position, of his or her right to inspect such register.

SEC. 3629. *Exceptions to Qualifications Requirements.* OPM shall prescribe regulations enabling employees on the placement register to be assigned to a vacant position if the employee meets all educational requirements for the position, if no fully qualified employee on the register is available, and if, in the agency's view, the employee can reasonably be expected to perform the duties of the job given training that is available.

An employee assigned to a job under the provisions of this section shall be evaluated within 180 days of the assignment. If the employee's performance is unsatisfactory he or she has 180 days to cure the deficiencies. A second unsatisfactory performance rating results in the employee's separation.

SEC. 3630. *Reports.* Each agency submits a biannual report to the President on implementation of this subchapter. The report covers the number of vacancies available, the number filled, the number of waivers granted by OPM, and a demographic and grade analysis of the positions into which employees were placed.

The bill is effective on the date of enactment.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NATCHER) to revise and extend their remarks and include extraneous material:)

Mr. NATCHER, for 60 minutes, on September 11.

Mr. SNYDER, for 60 minutes, on September 11.

Mr. MAZZOLI, for 60 minutes, on September 11.

Mr. HOPKINS, for 60 minutes, on September 11.

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. BOEHLERT, for 60 minutes, on August 8.

Mr. MCDADE, for 60 minutes, today.

Mr. MACK, for 60 minutes, on August 6.

Mr. MACK, for 60 minutes, on August 8.

Mr. MACK, for 60 minutes, on August 9.

Mr. MACK, for 60 minutes, on August 10.

Mr. WALKER, for 60 minutes, today.

Mr. WEBER, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on August 7.

Mr. WEBER, for 60 minutes, on August 8.

Mr. HUNTER, for 60 minutes, on August 8.

Mr. GINGRICH, for 60 minutes, on August 8.

Mr. LUNGREN, for 60 minutes, on August 9.

Mr. GINGRICH, for 60 minutes, on August 9.

Mr. GINGRICH, for 60 minutes, on August 10.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. SLATTERY, for 60 minutes, today.

Mr. RICHARDSON, for 60 minutes, today.

Mr. BARNES, for 10 minutes, today.

Mr. MCNULTY, for 60 minutes, today.

Mr. PEPPER, for 60 minutes, on August 7.

Mr. RICHARDSON, for 60 minutes, on August 8.

Mr. HEFTEL of Hawaii, for 60 minutes, on September 5.

Mr. HEFTEL of Hawaii, for 60 minutes, on September 6.

Mr. HEFTEL of Hawaii, for 60 minutes, on September 11.

Mr. HEFTEL of Hawaii, for 60 minutes, on September 12.

Mr. HEFTEL of Hawaii, for 60 minutes, on September 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. LIPINSKI.

Mr. AUCOIN.

Mr. SKELTON.

Mr. DYSON.

Mr. EDWARDS of California.

Mr. MOAKLEY.

Mr. SCHUMER.

Mr. BARNARD.

Mr. RANGEL.

Mrs. KENNELLY in two instances.

Mr. HARRISON.

Mr. STARK.

Mr. MATSUI.

Mrs. BOXER.

Mr. SIMON in two instances.

Mr. ADDABBO in two instances.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. LENT in two instances.

Mr. BROYHILL in three instances.

Mr. O'BRIEN.

Mr. MCKERNAN.

Mr. FIELDS.

Mr. VANDER JAGT.

Mr. STANGELAND.

Mr. TAUKE.

Mr. RITTER.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following title were taken from the Speaker's table and, under the rule, referred as follows:

S. 1177. An act to amend title 4 of the United States Code to complete the official seal of the United States; to the Committee on the Judiciary.

S.J. Res. 324. Joint resolution designating the month of November 1984 as "National Christmas Seal Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 338. Joint resolution to congratulate the athletes of the U.S. Olympic team for their performance and achievements in the 1984 winter Olympic games in Sarajevo, Yugoslavia and the 1984 summer Olympic games in Los Angeles, CA; to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

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.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on August 3, 1984, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.J. Res. 577. Joint resolution designating August 1984 a "Polish American Heritage Month";

H.R. 559. An act to amend the Securities Exchange Act of 1934 to increase the sanctions against trading insecurities while in possession of material nonpublic information;

H.R. 1492. An act, to establish the Christopher Columbus Quincentenary Jubilee Commission; 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. Mr. Speaker, pursuant to House Resolution 566, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 566, the Chair declares the House adjourned until Wednesday, August 8, 1984, at 10 a.m. out of respect for the Honorable CARL D. PERKINS.

Thereupon (at 5 o'clock and 38 minutes p.m.), pursuant to House Resolution 566, and under its previous order, the House adjourned until Wednesday, August 8, 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:

3843. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during June 1984 to Communist countries as a result of Presidential determinations, pursuant to the Act of July 31, 1945, chapter 341, section 2(b)(2) (88 Stat. 2334); to the Committee on Banking, Finance and Urban Affairs.

3844. A letter from the Comptroller General of the United States, transmitting a copy of GAO's review of the EPA indemnification study, pursuant to Public Law 94-469, section 25(a); to the Committee on Energy and Commerce.

3845. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more (Transmittal No. MC-27-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3846. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more (Transmittal No. MC-28-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3847. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles and defense services sold commercially under a contract in the amount of $50,000,000 or more (Transmittal No. MC-29-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3848. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to amend title 18, United States Code, to make a crime the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and other computers where the offense involves interstate or foreign commerce; to the Committee on the Judiciary.

3849. A letter from the Secretary of Health and Human Service, transmitting a draft of proposed legislation to extend for 1 year the conditional ceiling on Federal matching for foster care, and the temporary provision authorizing Federal matching for foster care maintenance payments for certain children voluntarily placed in foster care; to the Committee on Ways and Means.

3850. A letter from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), transmitting a draft of proposed legislation to amend titles 5 and 10, United States Code, to authorize the U.S. Air Force Institute of Technology to adopt personnel classification and pay practices for civilian faculty members similar to those used at comparable Federal educational institutions; jointly, to the Committees and Armed Services and Post Office and Civil Service.

3851. A letter from the Comptroller General of the United States, transmitting a report entitled, "Further Actions Needed to Improve Emergency Preparedness Around Nuclear Powerplants" (GAO/RCED-84-43, August 1, 1984); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Energy and Commerce.

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:

[Pursuant to the order of the House on August 2, 1984, the following report was filed on August 3, 1984]

Mr. SMITH of Iowa: Committee of Conference. Conference report on H.R. 5712 (Rept. No. 98-952). Ordered to be printed.

[Submitted August 6, 1984]

Mr. BROOKS: Committee on Government Operations. Report on Federal Home Loan Bank Board supervision and failure of Empire Savings and Loan Association of Mesquite, TX (Rept. No. 98-953). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on USDA long-term grain storage: mismanaged savings plan costs millions extra (Rept. No. 98-954). Referred to the Committee of the Whole House on the State of the Union.

Mr. MITCHELL: Committee of Conference. Conference report on S. 1429. (Rept. No. 98-955). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. House Joint Resolution 600. 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, with amendments (Rept. No. 98-956, Pt. I). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5631. A bill to provide for the acquisition of a visitor contact and administrative site for the Big Thicket National Preserve in the State of Texas (Rept. No. 98-957). Referred to the Committee of the whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4356. A bill to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes; with an amendment (Rept. No. 98-958). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5531. A bill to eliminate the requirement that the portion of the Baltimore-Washington Parkway located in the State of Maryland be conveyed to the State of Maryland upon completion of the reconstruction of the parkway authorized by the Federal-Aid Highway Act of 1970 (Rept. No. 98-959). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 864. A bill to amend the Volunteers in the Parks Act of 1969, and for other purposes; with an amendment (Rept. No. 98-960). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mrs. SCHROEDER: Committee on Post Office and Civil Service. H.R. 4681. A bill relating to the administration of polygraph examinations and prepublication review requirements by Federal agencies; with an amendment, referred to the Committees on Armed Services and the Judiciary, and to the Permanent Select Committee on Intelligence, for a period ending not later than September 21, 1984, for consideration of such portions of the bill and amendment as fall within the jurisdiction of those committees pursuant to rule X, clauses 1(c) and 1(m), and rule XLVIII, clause 2, respectively (Rept. No. 98-961, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of California (for himself, Mr. BARNES, Mr. BATES, Mr. BEDELL, Mr. BERMAN, Mrs. BOXER, Mr. BROWN of California, Mrs. BURTON of California, Mr. CLAY, Mr. COELHO, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. DOWNEY of New York, Mr. ECKART, Mr. EDGAR, Mr. FAUNTROY, Mr. FAZIO, Ms. FERRARO, Mr. FORD of Michigan, Mr. FRANK, Mr. GEJDENSON, Mr. HAWKINS, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KLECZKA, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OBERSTAR, Mr. OTTINGER, Mr. OWENS, Mr. PANETTA, Mr. RANGEL, Mr. RICHARDSON, Mr. RODINO, Mr. ROYBAL, Mr. RUSSO, Mr. SABO, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. TORRES, Mr. TOWNS, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, and Mr. WHEAT):

H.R. 6078. A bill to amend the War Powers Resolution to make rules governing certain uses of the Armed Forces of the United States in the absence of a declaration of war by the Congress; jointly, to the Committees on Foreign Affairs and Rules.

By Mr. BARNARD (for himself, Mr. COLEMAN OF TEXAS, Mr. CONYERS, and Mr. SPRATT):

H.R. 6079. A bill to amend the Right to Financial Privacy Act of 1978 to exempt from the notice requirement of such act financial records which are transferred to the Department of Justice and which are relevant to allegations of criminal misconduct by officers, directors, or employees of a financial institution; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARNES (for himself, Mr. AKAKA, Mr. BORSKI, Mrs. BOXER, Mrs. COLLINS, Mr. DELLUMS, Mr. DICKS, Mr. DWYER of New Jersey, Mr. DYSON, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. HOWARD, Mr. HOYER, Mr. KILDEE, Mr. LANTOS, Mr. LONG of Maryland, Mr. LOWRY of Washington, Mr. MARKEY, Mr. MATSUI, Ms. MIKULSKI, Ms. OAKAR, Mr. OBERSTAR, Mr. OTTINGER, Mr. PARRIS, Mr. RICHARDSON, Mr. ROE, Mr. STOKES, Mr. WEISS, Mr. WHEAT, Mr. WIRTH, and Mr. WON PAT):

H.R. 6080. A bill to amend title 5, United States Code, to provide that a reduction in force may not be conducted until certain alternative measures have been exhausted; to ensure the cost effectiveness of those alternative measures and of any measures taken in conducting a reduction in force; to safeguard against unnecessary disruption, productivity loss, and harm to labor-management relations due to a reduction in force, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BEILENSON:

H.R. 6081. A bill to amend the Motor Vehicle Information and Cost Savings Act to require that the motor vehicle bumper standard established by the Secretary of Transportation shall be restored to that in effect January 1, 1983; to the Committee on Energy and Commerce.

By Mr. FLORIO (for himself, Ms. MIKULSKI, Mr. MADIGAN, Mr. EDGAR, Mr. BOEHLERT, Mr. CONTE, and Mr. RAHALL):

H.R. 6082. A bill establishing a fund through which proceeds from the sale of Conrail shall be used for rail-related infrastructure capital improvements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GONZALEZ:

H.R. 6083. A bill to provide that no person may charge interest at a rate which is greater than 10 per centum per annum on loans exceeding $300, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SEIBERLING (by request):

H.R. 6084. A bill to reduce the rate of duty on certain polarizing material; to the Committee on Ways and Means.

By Mr. NATCHER:

H. Res. 566. Resolution relative to the death of the Honorable Carl D. Perkins, of Kentucky; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McNULTY:

H.R. 6085. A bill for the relief of Jerry G. Meagher, Dorothy O. Meagher, and Francis J. Meagher; to the Committee on the Judiciary.

H.R. 6086. A bill for the relief of Linda F. Branch, Albert Branch III, and Stephanie Branch; to the Committee on the Judiciary.

H.R. 6087. A bill for the relief of David P. Brown, Jr.; to the Committee on the Judiciary.

H.R. 6088. A bill for the relief of Robert Roughton and Kristine Roughton; to the Committee on the Judiciary.

H.R. 6089. A bill for the relief of Doreen Forsman; to the Committee on the Judiciary.

By Mr. SKEEN:

H.R. 6090. A bill for the relief of Juan A. Macias, Margarita R. Macias, Juan E. Macias, Jr., and Mary E. Macias; 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. 2462: Mr. WOLF.

H.R. 3016: Mr. ANDREWS of North Carolina, Mr. LAGOMARSINO, Mr. REID, Mr. CARR, Mr. STUDDS, Mr. DAVIS, and Mr. CLINGER.

H.R. 3430: Mr. SPRATT.

H.R. 3832: Mrs. JOHNSON and Mr. McNULTY.

H.R. 3917: Mr. AKAKA and Mr. BADHAM.

H.R. 4459: Mr. ST GERMAIN.

H.R. 4823: Mr. HERTEL of Michigan, Mr. CROCKETT, Mr. ALBOSTA, Mr. CONYERS, Mr. LEVIN of Michigan, and Mr. BONIOR of Michigan.

H.R. 4966: Mr. McKERNAN.

H.R. 5111: Mrs. BYRON.

H.R. 5196: Mr. ZSCHAU and Mr. LEVIN of Michigan.

H.R. 5341: Mr. TORRES, Mr. BORSKI, Mr. EDGAR, and Mr. D'AMOURS.

H.R. 5423: Mr. SAM B. HALL, Jr.

H.R. 5446: Mr. MOAKLEY, Mr. SHANNON, Mr. CHAPPELL, and Mr. MICA.

H.R. 5501: Mr. DANIEL B. CRANE.

H.R. 5608: Mr. PORTER.

H.R. 5826: Mr. EDGAR, Mr. IRELAND, Mr. KOLTER, Mr. GREGG, Ms. MIKULSKI, and Mr. WYDEN.

H.R. 5959: Mr. FOLEY, Ms. MIKULSKI, and Mr. RICHARDSON.

H.R. 6014: Mr. BROWN of California, Mr. AKAKA, Mr. ECKART, Mr. HUGHES, and Mr. CONYERS.

H.R. 6021: Mr. SCHAEFER, Mr. FIELDS, and Mr. LOEFFLER.

H.J. Res. 547: Mr. FRENZEL, Mr. WILLIAMS of Ohio, Mr. BATES, Mrs. BURTON of California, Mr. ANDREWS of North Carolina, Mr. McHUGH, Mr. JONES of North Carolina, Mr. SPRATT, Mr. MARKEY, Mr. HORTON, Mr. BERMAN, Mr. DYMALLY, Mr. OBERSTAR, Mr. PEPPER, Mr. QUILLEN, Mr. YOUNG of Florida, Mr. HUBBARD, Mr. ANDREWS of Texas, Mr. WRIGHT, Mr. TALLON, Mr. LELAND, Mr. SPENCE, Mr. LEVINE of California, Mr. DIXON, Mr. WYDEN, Mr. HUGHES, Mr. RICHARDSON, and Mr. WYLIE.

H.J. Res. 554: Mr. KLECZKA and Mr. CAMPBELL.

H.J. Res. 574: Mr. ADDABBO, Mr. BARLETT, Mr. BATEMAN, Mr. BEDELL, Mr. BEREUTER, Mr. BETHUNE, Mr. BIAGGI, Mr. BOEHLERT, Mr. BREAUX, Mr. CARR, Mr. CHENEY, Mr. CLINGER, Mr. COATS, Mr. CONABLE, Mr. CONTE, Mr. CORCORAN, Mr. COUGHLIN, Mr. D'AMOURS, Mr. DANIEL, Mr. DEWINE, Mr. DICKS, Mr. DONNELLY, Mr. DORGAN, Mr. EARLY, Mr. EMERSON, Mr. EVANS of Iowa, Ms. FIEDLER, Mr. FIELDS, Mr. FISH, Mr. FLIPPO, Mr. FRANKLIN, Mr. GILMAN, Mr. GONZALEZ, Mr. GREEN, Mr. GREGG, Mr. GUARINI, Mr. HANCE, Mr. HARTNETT, Mr. HEFNER, Mr. HILER, Mr. HOYER, Mr. HUBBARD, Mr. HYDE, Mrs. JOHNSON, Mr. KASICH, Mr. KILDEE, Mr. LATTA, Mr. LENT, Mr. LIVINGSTON, Mr. LOEFFLER, Mr. LOTT, Mr. MACK, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. MAVROULES, Mr. McCAIN, Mr. McCANDLESS, Mr. McEWEN, Mr. McGRATH, Mr. McHUGH, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOORE, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MURTHA, Mr. NIELSON of Utah, Mr. NELSON of Florida, Mr. PARRIS, Mr. PASHAYAN, Mr. PICKLE, Mr. RATCHFORD, Mr. ROBERTS, Mr. ROEMER, Mr. ROGERS, Mr. RUDD, Mr. SAWYER, Mr. SILJANDER, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of Iowa, Ms. SNOWE, Mr. SOLARZ, Mr. STARK, Mr. STENHOLM, Mr. STRATTON, Mr. TAUKE, Mr. TAUZIN, Mr. TAYLOR, Mr. THOMAS of California, Mr. TORRICELLI, Mrs. VUCANOVICH, Mr. WEBER, Mr. WHITLEY, Mr. WINN, Mr. YOUNG of Alaska, Mr. O'BRIEN, Mr. LEHMAN of Florida, Mr. STUMP, Mr. YOUNG of Missouri, Mr. CONYERS, Mr. GRADISON, Mr. SMITH of Florida, Mr. ROBINSON, Mr. PETRI, Mr. ENGLISH, Mr. MICA, Mr. CHAPPELL, Mr. LEATH of Texas, Mr. JACOBS, Mr. WORTLEY, Mr. HOPKINS, Mr. BILIRAKIS, Mr. ROSE, Mr. HUGHES, Mrs. SCHNEIDER, Mr. McCOLLUM, Mr. MINETA, Mr. REGULA, Mr. ANNUNZIO, Mr. BROWN of Colorado, Mrs. BURTON of California, Mr. DOWDY of Mississippi, Mr. FROST, Mr. GORE, Mr. JONES of North Carolina, Mr. McNULTY, Mr. NATCHER, Mr. PEPPER, Mr. SHELBY, Mr. TALLON, and Mr. WHEAT.

H.J. Res. 597: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDREWS of Texas, Mr. ANDERSON, Mr. ARCHER, Mr. BADHAM, Mr. BARTLETT, Mr. BATEMAN, Mr. BATES, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. BILIRAKIS, Mrs. BOGGS, Mr. BONER of Tennessee, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. BRITT, Mr. BROOMFIELD, Mr. BRYANT, Mr. BURTON of Indiana, Mrs. BYRON, Mr. BROWN of California, Mr. BROYHILL, Mr. BETHUNE, Mr. BOEHLERT, Mr. CAMPBELL, Mr. CARNEY, Mr. CHANDLER, Mr. CHAPPIE, Mr. CLAY, Mr. COATS, Mrs. COLLINS, Mr. CONABLE, Mr.

CONTE, Mr. CORCORAN, Mr. CORRADA, Mr. COYNE, Mr. CROCKETT, Mr. PHILIP M. CRANE, Mr. CHENEY, Mr. DANIEL, Mr. DAUB, Mr. DE LA GARZA, Mr. DEWINE, Mr. DIXON, Mr. DONNELLY, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. DICKINSON, Mr. EDGAR, Mr. EMERSON, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FLORIO, Mr. FOLEY, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. FRANKLIN, Mr. FIELDS, Mr. GILMAN, Mr. GRADISON, Mr. GRAY, Mr. GREEN, Mr. GEKAS, Mr. GRAMM, Mr. GINGRICH, Mrs. HALL of Indiana, Mr. SAM B. HALL, Jr., Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HATCHER, Mr. HERTEL of Michigan, Mr. HIGHTOWER, Mr. HILER, Mrs. HOLT, Mr. HORTON, Mr. HOYER, Mr. HUCKABY, Mr. HUGHES, Mr. HYDE, Mr. HUTTO, Mr. HUNTER, Mr. HARTNETT, Mr. HAYES, Mr. JENKINS, Mr. JEFFORDS, Ms. KAPTUR, Mr. KASICH, Mr. KEMP, Mr. KLECZKA, Mr. KINDNESS, Mr. KOLTER, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LATTA, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. LENT, Mr. LOEFFLER, Mr. LOTT, Mr. MCCAIN, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCGRATH, Mr. MCKERNAN, Mr. MCNULTY, Mr. MARRIOTT, Mr. MARTIN of North Carolina, Mr. MARTINEZ, Mr. MAVROULES, Mr. MAZZOLI, Mr. MICHEL, Mr. MILLER of California, Mr. MOORHEAD, Mr. MORRISON of Washington, Mr. MURPHY, Mr. MCEWEN, Mr. MCCLOSKEY, Mr. MADIGAN, Mr. MOAKLEY, Mr. MURTHA, Ms. MIKULSKI, Mrs. MARTIN of Illinois, Mr. MOLINARI, Mr. MACK, Mr. MOORE, Mr. NATCHER, Mr. NEAL, Mr. NOWAK, Mr. O'BRIEN, Mr. ORTIZ, Mr. OWENS, Ms. OAKAR, Mr. PANETTA, Mr. PASHAYAN, Mr. PATTERSON, Mr. PICKLE, Mr. PORTER, Mr. PRITCHARD, Mr. PACKARD, Mr. PRICE, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. RATCHFORD, Mr. REGULA, Mr. REID, Mr. RICHARDSON, Mr. RINALDO, Mr. RITTER, Mr. ROBINSON, Mr. ROE, Mr. ROEMER, Mr. ROTH, Mr. PURSELL, Mr. PAUL, Mr. SABO, Mr. SCHEUER, Mr. SHAW, Mr. SILJANDER, Mr. SIMON, Mr. SISISKY, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Ms. SNOWE, Mr. SPENCE, Mr. SPRATT, Mr. STANGELAND, Mr. STOKES, Mr. STUMP, Mr. SUNIA, Mr. SNYDER, Mr. STRATTON, Mr. SHUMWAY, Mr. DENNY SMITH, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. TALLON, Mr. TORRICELLI, Mr. TRAXLER, Mr. TOWNS, Mr. TAUKE, Mr. VANDER JAGT, Mr. WAXMAN, Mr. WEISS, Mr. WHITTAKER, Mr. WILSON, Mr. WINN, Mr. WOLF, Mr. WON PAT, Mr. WORTLEY, Mr. WYLIE, Mr. WALGREN, Mr. WEBER, Mr. WHEAT, Mr. WALKER, Mr. YATRON, Mr. YOUNG of Florida, Mr. YOUNG of Missouri, and Mr. YOUNG of Alaska.

H.J. Res. 600: Mr. COLEMAN of Missouri, Mr. FOLEY, Mr. ROBERTS, Mr. CHAPPIE, Mr. HOPKINS, Mr. CAMPBELL, Mr. BEREUTER, Mr. COATS, Mr. CRAIG, Mrs. MARTIN of Illinois, Mr. ROTH, and Mr. MCNULTY.

H.J. Res. 609: Mr. EVANS of Iowa, Mr. FASCELL, Mr. FLORIO, and Mr. LAGOMARSINO.

H.J. Res. 623: Mr. ROE and Mr. SHUMWAY.

H.J. Res. 631: Mr. BARNARD, Mr. BONER of Tennessee, Mr. DUNCAN, Mr. HARKIN, Mr. MURPHY, Mr. OWENS, Mr. TORRICELLI, Mr. ADDABBO, Mr. AUCOIN, Mr. CONYERS, Mr. HERTEL of Michigan, Mr. LAGOMARSINO, Mr. MCCLOSKEY, Mr. O'BRIEN, Mr. OTTINGER, Mr. RICHARDSON, Mr. BEVILL, Mr. BOEHLERT, Mr. CORRADA, Mr. DARDEN, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. FISH, Mr. FOLEY, Mr. LELAND, Mr. SHARP, Mr. SUNIA, Mr. WIRTH and Mr. WORTLEY.

H. Con. Res. 301: Mr. IRELAND, Mr. JEFFORDS, Mr. SNYDER, Mr. GREGG, and Ms. MIKULSKI.

H. Con. Res. 324: Mr. BERMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5602

By Mr. SOLOMON:

—Page 17, insert after line 25 the following:

SEC. 122. Part A of title VII is amended by adding at the end the following:

"COMPLIANCE WITH SELECTIVE SERVICE

SEC. 711. (a) Upon a determination by the Secretary that a health professions school is engaged in a pattern or practice of failure to comply with section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f)) (or regulations issued under such section) or is engaged in a pattern or practice of providing loans or work assistance to persons who are required to register under section 3 of such Act (and any proclamation of the President and regulations prescribed under that section) and have not so registered, that school shall not (except as provided under subsection (b)) be eligible to participate in any new contract with, or grant from, the Secretary under this title.

"(b) Upon a determination by the Secretary that an institution that the Secretary has previously determined under subsection (a) to have engaged in a pattern or practice described in such subsection is no longer engaged in such pattern or practice, the disqualification under such subsection of that institution from eligibility to participate in contracts and grants under this title shall be terminated.

"(c) Any determination by the Secretary under subsection (a) shall be determined on the record after opportunity for an agency hearing. In any judicial review of a determination by the Secretary under such subsection, the facts as determined by the Secretary shall not be subject to trial de novo by the reviewing court.".

H.R. 5640

By Mr. LEVITAS:

—Page 9, after line 10, insert the following:

(c) Section 104 is amended by adding at the end thereof the following:

"(m)(1) The Administrator, after providing notice under paragraph (2), may enter into an agreement under this subsection with one or more responsible parties for the purpose of providing for response to a release or substantial threat of release from a facility into the environment of a hazardous substance, pollutant, or contaminant. Notwithstanding any other provision of this Act, the liability under this Act of a party to such an agreement for any costs of response resulting from such release or threat shall be limited to the share of such costs determined for such party under paragraph (4).

"(2)(A) Whenever the Administrator determines that a sufficient number of responsible parties with respect to a release or threatened release have been identified to effectuate an agreement under this subsection, the Administrator shall notify all such parties. The Administrator may only enter into an agreement under this subsection with respect to such release or threatened release within 120 days after providing such notice. If the Administrator does not enter into such agreement within such 120-day period, the Administrator shall take response actions with respect to such release or threatened release and the liability of parties shall be determined in accordance with the provisions of this Act other than this subsection.

"(B) If a responsible party with respect to a release or threatened release is identified after notification under subparagraph (A) with respect to such release or threatened release, the Administrator shall notify such party.

"(C) A party notified under subparagraph (B) before an agreement is entered into under subparagraph (A) may enter into such agreement, or, if such agreement is entered into less than 30 days after such party is so notified, may become a party to such agreement not later than 30 days after receiving such notification.

"(D) A party notified under subparagraph (B) during the period an agreement is in effect under this subsection may become a party to such agreement not later than 30 days after receiving such notification.

"(E) A party notified under subparagraph (B) after the completion of response with respect to a release or threatened release and all operation and maintenance of any onsite remedial action to the satisfaction of the Administrator may enter into an agreement with the Administrator not later than 30 days after receiving such notification to pay the Administrator the amount determined under paragraph (4)(C).

"(3) An agreement under this subsection shall require the parties to the agreement to carry out a plan, after approval by the Administrator, for removal of and remedial action for all hazardous substances, pollutants, and contaminants on the surface and in the subsurface and ground water at the facility involved, which removal and remedial action meet the requirements of subsection (c)(4) and all other provisions of this Act. The Administrator shall only approve a plan under this paragraph after a reasonable opportunity for review and comment by the public. An agreement under this subsection shall continue in effect until the completion of response and all operation and maintenance of any onsite remedial action to the satisfaction of the Administrator.

"(4)(A) An agreement under this subsection shall provide that each party to the agreement (other than the Administrator) shall be liable for a share of the costs of response for the facility which is subject to such agreement. Such share shall be—

"(i) a share determined by the Administrator on the basis of the quantity and toxicity of hazardous substances, pollutants, and contaminants for which such party is responsible at the facility involved and the expense of response actions required with respect to such substances, pollutants, and contaminants; or

"(ii) if the shares determined under clause (i) for all parties to the agreement do not in the aggregate equal or exceed 80 percent, a share bearing the same ratio to 80 percent as such party's share determined under clause (i) bears to the sum of the shares determined under clause (i) of all the parties to the agreement.

"(B) Notwithstanding subsection (c)(3)(B) of this section, an agreement under this subsection shall provide that the Administrator shall pay from the Fund the share of the costs of response for which responsible parties are not liable under subparagraph (A).

"(C) In any case in which a responsible party becomes a party to an agreement under this subsection after such agreement is entered into, or enters into an agreement

with the Administrator under paragraph (2)(E) with respect to the release or threatened release which was the subject of such agreement, the Administrator shall redetermine the shares determined under subparagraphs (A) and (B) of this paragraph as though such party and all other parties to the agreement were original parties to the agreement. Such party shall pay to the trustees of the trust account established under paragraph (5), or the Administrator in the case of an agreement under paragraph (2)(E), his share so determined of all amounts paid for response and for operation and maintenance under such agreement. The trustees shall use the amount of such payment to reimburse each of the other parties to the agreement (including the Administrator), or the Administrator shall use the amount of such payment to reimburse each such party and to reserve to the Administrator, such amounts as are necessary to reflect the shares as redetermined under this subparagraph. A responsible party who enters into an agreement under paragraph (2)(E) with respect to a release or threatened release which was the subject of an agreement under this subsection shall be considered a party to such agreement for purposes of any later redetermination of shares under this subparagraph or any reimbursement under paragraph (8).

"(D) An agreement under this subsection shall require the parties to the agreement (other than the Administrator) to pay all future operation and maintenance costs of any onsite remedial action.

"(5) An agreement under this subsection shall provide for the establishment of a trust account and the appointment of trustees to carry out such agreement. Each party to the agreement (including the Administrator) shall deposit into the trust account such party's share (as determined under paragraph (4)(A) or (B)) of the total estimated cost of carrying out response at the facility (as determined at the time the agreement is entered into). The trustees shall use amounts in the trust account to pay for the costs of response at the facility. The trustees may invest any amounts in the trust account which are not currently needed in interest-bearing obligations of the United States having maturities appropriate to the needs of the trust account. Interest on such obligations shall be credited to the trust account.

"(6)(A) If the costs of response at the facility subject to an agreement under this subsection exceed the amount in the trust account, the trustees shall make demand upon the parties to the agreement (including the Administrator) for payment of such additional amounts as may be necessary to pay for such costs. An agreement under this subsection shall require each such party to make additional payments to the trust account in proportion to the share of such party determined under paragraph (4), within 30 days of demand by the trustees. If any party (other than the Administrator) does not make an additional payment as required by the preceding sentence, such party, in addition to liability for such payment, may be liable to the United States for punitive damages of not to exceed four times the amount of such payment. The Administrator may commence a civil action against any such party to recover such punitive damages. Any amount recovered under this paragraph shall be paid to the trustees for deposit in the trust account.

"(B) If the amount in the trust account exceeds the amount needed for all of the costs of response at such facility, the amount of such excess shall be paid, upon completion of response actions to the satisfaction of the Administrator, to the parties to the agreement (including the Administrator) in proportion to the amounts paid into the trust account by each such party. Any amount paid to the Administrator under this subparagraph shall be deposited in the Fund.

"(7) Not later than 30 days after entering into an agreement under this subsection, each party to such agreement (including the Administrator) shall transmit to the trustees of the trust account, or permit the trustees to have access to, all records, reports, documents, and information in the possession of such party relating to the release or threatened release to which the agreement pertains. For purposes of subsection (e), the trustees shall be considered representatives of the President and the Administrator.

"(8) Notwithstanding any other provision of this Act, if—

"(A) a person is notified under paragraph (2)(B) with respect to a release or threat of release of a hazardous substance, pollutant, or contaminant,

"(B) an agreement is or has been entered into under this subsection with respect to such release or threat,

"(C) such person does not become a party to such agreement under paragraph (2)(C) or (D) or enter into an agreement with the Administrator under paragraph (2)(E), as the case may be, and

"(D) such person is determined to be liable with respect to such release or threat,

such person shall be jointly and severally liable for the amount contributed by the Administrator under such agreement, or the amount such person would have been required to pay under paragraph (4)(C) if such person had become a party to such agreement, whichever is greater. In addition such person may be liable to the United States for punitive damages of not to exceed four times the amount for which such person is liable under the preceding sentence. The Administrator may commence a civil action against any such person to recover such punitive damages. Any amount recovered by the Administrator under this paragraph shall be used to reimburse the parties to the agreement (including the Administrator) in proportion to their contributions to the trust account under paragraph (5). Any amounts recovered under this paragraph which exceed the total amount contributed to the trust account shall be deposited in the Fund.

"(9) If one or more parties to an agreement under this subsection fail to comply with any requirements of the agreement, the Administrator may, after providing 60 days notice, seek in the appropriate Federal district court to enforce the agreement or to recover any funds advanced or any costs incurred because of the failure to comply by such parties.

"(10) In any case in which a party to an agreement under this subsection with respect to a release or threat of release of any hazardous substance, pollutant, or contaminant makes a payment of a share determined under clause (ii) of paragraph (4)(A) of this subsection, such party may bring an action in the appropriate United States district court to require any other person who is alleged to be liable with respect to such release or threatened release to contribute to the payment of such share.".

—At the end of the bill add the following:

TITLE VI—ADMINISTRATIVE RECOVERY OF MEDICAL AND RELOCATION EXPENSES

RECOVERY OF MEDICAL AND RELOCATION EXPENSES

SEC. 601. (a) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new title:

"TITLE IV—MEDICAL AND RELOCATION EXPENSES

"DEFINITIONS

"SEC. 401. (a) For purposes of this title:

"(1) The term 'applicant' means any person who applies for compensation under this title.

"(2) The term 'medical costs' means the costs of all appropriate medical, surgical, hospital, nursing care, ambulance, and other related services, drugs, medicines, as appropriate for both diagnosis and treatment, and any rehabilitative programs within the scope of section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723);

"(3) The term 'physical injury or illness' includes, but is not limited to, any physical injury or illness which is caused by exposure to a hazardous substance, pollutant, or contaminant prior to birth. Such term does not include mental distress, fright, or emotional disturbance.

"(4) The term 'dependent' means with respect to any deceased person the individual or individuals referred to in section 8110 of title 5 of the United States Code.

"(5) The terms 'treatment', 'storage', and 'disposal' have the same meaning as provided by section 1004 of the Solid Waste Disposal Act.

"(b) For purposes of this title, the terms 'hazardous substance', 'pollutant or contaminant', 'transport', and 'transportation' shall have the meanings provided in title I of this Act.

"APPLICANT FOR RELIEF

"SEC. 402. Any individual who alleges that he has sustained injury for which relief is payable under this title may file an application for such relief with the Administrator. Such application shall be in such form, and shall be filed in such manner, as the Administrator shall, by rule or order, provide. Such rule or order shall be issued within forty-five days after the date of the enactment of this title.

"AWARD OF RELIEF

"SEC. 403. (a) If an individual establishes by a preponderance of the evidence that he has suffered a physical injury or illness which was caused by exposure to a hazardous substance, pollutant, or contaminant—

"(1) from a facility or site at or from which such substance was stored, treated, recycled, disposed of, or migrated, or

"(2) during transportation to such a facility or site,

the Administrator shall pay relief under this title to such individual.

"(b) If a dependent of any deceased individual establishes to the satisfaction of the Administrator that the death of such deceased individual was caused by any exposure referred to in subsection (a), the Administrator shall pay relief under this title to such dependent.

"AMOUNT OF RELIEF

"SEC. 404. (a)(1) Relief under this title to any individual who has suffered a physical injury or illness shall consist of—

"(A) a payment or reimbursement for all medical costs incurred in connection with

the physical injury, illness, or death concerned;

"(B) a monthly payment in an amount equal to the injured, ill, or deceased individual's monthly earnings which are lost (as estimated by the Administrator) by reason of the physical injury, illness, or death during the one-year period following such injury, illness, or death; and

"(C) reimbursement for—

"(i) expenses incurred by an individual in obtaining alternative water supplies, or

"(ii) reasonable costs of transportation, lodging, and meals for not more than three trips to locate a new residence, and reasonable moving costs, where such individual's exposure (or potential exposure) to a hazardous substance, pollutant, or contaminant caused or significantly contributed to such costs.

Payment under subparagraph (B) shall not exceed $1,000 per month.

"(2) Relief under this title to the dependents of any individual shall be equal to the amounts specified in paragraph (1), except that such relief shall include the reasonable expenses of burial. The Administrator shall promulgate rules regarding the equitable allocation of relief payable under this title to dependents where there are two or more dependents.

"(b) The Administrator shall compute the amount of relief to be awarded to any applicant under this title and determine the method, terms, and time of payment.

"(c)(1) Any payment made pursuant to this title shall be charged against the Hazardous Substance Response Trust Fund established under subtitle B of title II of this Act. Claims against such fund which are in excess of the total amount provided under paragraph (2) for purposes of this title shall become valid and shall be paid in the same manner as provided in section 111(e)(1) of this Act.

"(2) Not more than 12 per centum of the amount credited to the Hazardous Substance Response Trust Fund for any fiscal year may be used for purposes of this title.

"PROCEDURE FOR DETERMINATION

"SEC. 405. (a)(1) Except as otherwise provided in this title, for purposes of making any determination respecting payment of a claim filed under this title, the Administrator shall utilize the procedures used by the Secretary of Health and Human Services in determining entitlement to disability insurance benefit payments under section 223 of the Social Security Act (42 U.S.C. 423).

"(2) The Administrator and the Secretary of Health and Human Services shall enter into such contracts and other arrangements as may be necessary to use the personnel and office of the Social Security Administration for administration and determination of claims filed under this title. The Administrator may, pursuant to such contracts or other arrangements, delegate to the Secretary, or to any employee of the Secretary, any function vested in the Administrator under this title.

"(b)(1) In determining any claim under this title, if an individual (or his dependent) who is an applicant provides information sufficient to enable the Administrator to find that—

"(A) the individual suffered any physical injury, illness, or death;

"(B) the individual was exposed to a hazardous substance, pollutant, or contaminant—

"(i) from a facility or site at or from which such substance was treated, recycled, stored, disposed, or migrated; or

"(ii) during transportation to such facility or site; and

"(C) exposure to such hazardous substance, pollutant, or contaminant was at such levels and for such duration as to be reasonably likely to cause or significantly contribute to death or to a physical injury or illness of the type suffered by the applicant.

such injury, illness, or death shall be presumed to have been caused by such exposure.

"(2) A presumption established as provided in paragraph (1) shall be overcome if the Administrator determines, on the basis of any information available to him, that it is reasonably certain that the exposure referred to in paragraph (1) did not cause, or significantly contribute to, the individual's physical injury, illness, or death.

"(c) For purposes of making a determination respecting payment of any claim filed under this title, any information which tends to establish that exposure to the hazardous substance, pollutant, or contaminant in question causes or contributes to death, or to physical injury or illness of the type or class allegedly suffered by an individual, shall be considered relevant to the issues of causation, including but not limited to the following:

"(1) An increase in the incidence of such injury or illness, or an increase in the incidence of death, in the exposed population above that which is otherwise probable.

"(2) Epidemiological studies.

"(3) Animal studies.

"(4) Tissue culture studies.

"(5) Micro-organism culture studies.

"(6) Laboratory and toxicologic studies.

"(7) Immunological studies.

"(8) Toxicology profiles prepared under section 104(i)(2) of this Act.

"(9) Health effects studies prepared under section 104(1) of this Act.

"(d) In making a determination under this title, the Administrator shall require such medical tests or examinations of the applicant as may be necessary to confirm the diagnosis or determination of physical injury or illness. The Administrator may also undertake such other investigations and require the production of such other information as he deems appropriate for purposes of making such determination.

"(e)(1) If requested by the claimant, the Administrator shall conduct a hearing with respect to any claim which has been denied, in whole or in part. Such hearing shall be conducted in the same manner as hearings conducted with respect to disability insurance benefits under section 223 of the Social Security Act.

"(2) In any proceeding under this title, the owner or operator of any facility or site which is alleged to have been the source of the exposure on which a claim under this title is based, or the person transporting any hazardous substance, pollutant, or contaminant to such facility or site (in the case of a claim based on exposure during transportation), shall be notified of the proceeding, but shall have no right to participate in the proceeding.

"(3) The Administrator shall award to each claimant who prevails in a proceeding under this subsection the costs of any representation by attorney or otherwise which is necessary for such claimant's participation in the proceeding and the cost of any expert witness fees incurred by such claimant.

"SUBROGATION

"SEC. 406. (a)(1) Except as provided in paragraph (2), whenever a payment is made under this title to any applicant the United States shall be subrogated to the rights of such applicant under any other provision of law (including title II of the Superfund Expansion and Protection Act of 1980) for the full amount of such payment and shall be entitled to recover all administrative and adjudicative costs and attorneys fees incurred by the United States by reason of the applicant's claim.

"(2) The United States shall not have any right of subrogation under paragraph (1) with respect to any payment under this title for any physical injury or illness which was caused by exposure to a hazardous substance or pollutant or contaminant, if no part of such exposure occurred after the date which is 20 years before the date of enactment of this title.

"(b) The Attorney General shall take such steps as may be necessary to protect or enforce any rights of subrogation under this section.

"(c) Any amount recovered by the United States under this section shall be deposited in the Hazardous Substance Response Trust Fund.

"JUDICIAL REVIEW

"SEC. 407. (a) Any person adversely affected or aggrieved by any final determination of the Administrator under this title may obtain a review of such determination in accordance with the provisions of chapter 7 of title 5, United States Code, by filing a written petition within sixty days following the issuance of such final determination in a district court of the United States for the district within which—

"(1) such person resides or conducts business; or

"(2) the physical injury, illness, or death, or other expense which formed the basis for a claim relating to such final determination is alleged to have been caused.

"(b) A determination made by the Administrator with respect to entitlement to benefits for injuries, illness, or death or other expense shall constitute a final administrative determination for the purpose of judicial review under this section.

"ADDITIONAL RECOVERY

"SEC. 408. (a) No individual who has recovered any amount under this title with respect to exposure to any hazardous substance, pollutant, or contaminant shall be prohibited from recovering an additional amount under this title at a subsequent time if such individual establishes (in accordance with the procedures under this title) that an additional physical injury or illness was caused by such exposure and that such additional physical injury or illness was not known to the individual at the time the prior application was made under this title.

"(b) Nothing in this title shall preclude an individual or dependent who has recovered any amount under this title with respect to exposure to any hazardous substance, pollutant, or contaminant from recovering in an action in court for amounts in excess of any amount paid under this title for a physical injury, illness, or death or for any damage not compensable under this title.

"COLLATERAL RECOVERY

"SEC. 409. The amount payable under this title to any applicant shall be reduced by the total of the compensation for costs for which relief may be paid under section 404(a) which is paid to the applicant by reason of the same physical injury or illness or death from any other source, including

compensation (as described in section 404) paid—

"(1) pursuant to any administrative or judicial proceeding under State law,

"(2) pursuant to any consent decree under State law or any other binding settlement,

"(3) under any governmental program (including medicaid or medicare) which the injured, ill, or deceased individual was required to participate in, or

"(4) pursuant to any other insurance policy or program.".

(b) Section 111(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and", and by inserting after paragraph (4) the following:

"(5) payment of relief described in section 404 of this Act.".

(c) Section 111(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "and (4)" and inserting in lieu thereof "(4), and (5)".

(d) Section 221(c)(2)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "and (4)" and inserting in lieu thereof "(4), and (5)".

By Mr. MOODY:

—Page—, after line —, insert:

FEDERAL FACILITIES

SEC. . The following section is inserted immediately after section 115:

"FEDERAL FACILITIES

"SEC. 116. (a)(1) Not later than 6 months after the date of the enactment of this section, each department, agency, and instrumentality of the United States shall transmit to the Administrator a notice regarding each facility at which any hazardous substance has been treated, stored pending disposal, or disposed of and which, as of the date of the enactment of this section, is owned or operated by the department, agency or instrumentality.

"(2) In each year after the date of the enactment of this section, each such department, agency, or instrumentality shall submit such a notice regarding each such facility which is owned or operated by the department, agency, or instrumentality at any time after the date of the enactment of this section and which was not the subject of a notice transmitted under paragraph (1).

"(b) The notice under subsection (a) shall contain the following information, to the extent available—

"(1) The location of each facility, and where any hazardous substance has been disposed of, a description of hydrogeology of the facility and the location of withdrawal wells and surface water within one mile of the facility.

"(2) Such information relating to the amount, nature, and toxicity of the hazardous substance in each facility as may be necessary to determine the extent of any health hazard which may be associated with any facility.

"(3) Information on the known nature and extent of environmental contamination at each facility, including a description of the monitoring data obtained.

"(4) A list of facilities at which any hazardous substance has been disposed of and environmental monitoring data has not been obtained, and the reasons for the lack of monitoring data at each facility.

"(5) A description of response actions undertaken or contemplated at contaminated facilities.

"(6) An identification of the types of techniques of treatment or disposal which have been used at each facility.

"(c) The Administrator shall establish a special Federal Agency Hazardous Waste Compliance Docket which shall contain each notice transmitted under subsection (a) regarding any facility and notice of each subsequent action taken under this Act with respect to the facility. Such docket shall be available for public inspection at reasonable times. Three months after establishment of the Docket and every three months thereafter, the Administrator shall publish in the Federal Register a list of the Federal facilities which have been included in the Docket during the immediately preceding 3-month period and a list of each facility included in the Docket at which subsequent action has been taken under this act during the immediately preceding 3-month period. Such publication shall also indicate where in the appropriate regional office of the Environmental Protection Agency additional information may be obtained with respect to any facility on the Docket. The Administrator shall establish a program to provide information to the public with respect to facilities which are included in the Docket under this subsection.

"(d) Not later than 1 year after the date of the enactment of this subsection, the Administrator shall take steps to assure that a peliminary assessment is conducted for each facility for which a notice is required to be transmitted under subsection (a). Following such preliminary assessment, the Administrator shall where appropriate—

"(1) evaluate such facilities in accordance with the criteria established in accordance with section 105 under the National Contingency Plan for determining priorities among releases; and

"(2) include such facilities on the National Priorities List maintained under such Plan. Such evaluation and listing shall be completed not later than 14 months after the date of the enactment of this section.

"(e)(1) Within 6 months after the inclusion of any facility on the National Priorities List, the department, agency, or instrumentality which owns or operates such facility shall, in consultation with the Administrator, commence a remedial investigation and feasibility study for such facility.

"(2) Within 90 days after completion of each such remedial investigation and feasibility study, the Administrator shall review the results of such investigation and study and shall enter into an interagency agreement with the head of the department, agency or instrumentality concerned for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility. All such interagency agreements shall comply with the requirements of section 104(j). Such agreement shall require that substantial continuous physical on-site remedial action is commenced at each facility which is the subject of such an agreement within 6 months after the agreement is entered into.

"(B) Each interagency agreement under this paragraph shall include, but shall not be limited to: (i) a review of alternative remedial actions and selection of construction design by the Administrator; (ii) a schedule for the completion of each such remedial action; and (iii) arrangements for long-term operation and maintenance of the facility.

"(3) To the maximum extent practicable, remedial actions at facilities subject to interagency agreements under this section shall be completed within two years from the date the interagency agreement was entered into. If not completed within such period, the department, agency, or instrumentality shall transmit to the Administrator an explanation of why such action was not completed. Such explanations shall be included in the Federal Hazardous Facility Compliance Docket and in the annual report made by the department, agency, or instrumentality under paragraph (4) to the Congress.

"(4) Each department, agency, or instrumentality responsible for compliance with this section shall furnish an annual reports to the Congress concerning its progress in implementing the requirements of this section. Such reports shall include, but shall not be limited to—

"(A) a report on the progress in reaching interagency agreements under this section,

"(B) the specific cost estimates and budgetary proposals involved in each interagency agreement,

"(C) a brief summary of the public comments regarding each proposed interagency agreement, and

"(D) a description of the instances in which no agreement was reached.

With respect to instances in which no agreement was reached within the required time period, the department, agency, or instrumentality filing the report under this paragraph shall include in such report an explanation of the reasons why no agreement was reached.

"(f) Except as provided in section 111(e)(3), money in the Hazardous Substances Response Trust Fund shall not be available for actions implementing any interagency agreement under this section.

"(g) The Administrator (represented by the Attorney General as provided in section 107(g)) shall bring an action under section 106 against the head of any department, agency, or instrumentality which fails or refuses to comply with any requirement of this section.

"(h) Except for authorities which are delegated by the Administrator to an officer or employee of the Environmental Protection Agency, no authority vested in the Administrator under this section may be transferred, by executive order of the President or otherwise, to any other officer of employee of the United States or to any other person.

"(i) All guidelines, rules, regulations, procedures, and criteria which are applicable to preliminary assessments carried out under this Act for facilities at which hazardous substances are located, applicable to evaluations of such facilities under the National Contingency Plan, applicable to inclusion on the National Priorities List, or applicable to remedial actions at such facilities shall also be applicable to facilities which are owned and operated by a department, agency, or instrumentality of the United States in the same manner and to the same extent as such guidelines, rules, regulations, and criteria are applicable to other facilities, except for any requirements relating to bonding, insurance, or financial responsibility. No department, agency, or instrumentality of the United States may adopt or utilize any such guidelines, rules, regulations, procedures, or criteria which are inconsistent with the guidelines, rules, regulations, and criteria established by the Administrator under this Act.

"(j) The facilities required to be listed on the National Priorities List under this section shall be in addition to the facilities required to be listed under section 111(k). The schedules and timetables provided under section 111(k) applicable to commencement of remedial investigations and feasibility studies, preliminary assessments, and remedial action shall not apply to facilities which are owned or operated by a department, agency, or instrumentality of the United States.".

By Mr. SWIFT:

—Page —, after line —, insert:

"If a State has made reasonable, documented, direct, out-of-pocket nonFederal expenditures for remedial action at any facility prior to the listing of the facility on the National Priorities List or prior to the date on which a contract or cooperative agreement is entered into under this paragraph with respect to such facility, all such prior expenditures shall be included in the amount credited to the State for purposes of subparagraph (B)(i) if the Administrator determines that such expenditures would have been credited to the State under subparagraph (B)(i) had the expenditures had been made after listing of the facility and after the date on which such contract or cooperative agreement was entered into.".

By Mr. WYDEN:

—Page —, after line —, insert:

(d) RECYCLED METALS.—Section 4662(b) of such Code is amended by inserting the following new paragraph at the end thereof:

"(5) RECYCLED METALS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any item listed in the table under section 4661(b) which is a recycled metal, the tax rate under section 4661 shall be 50 percent of the rate specified in such table.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any recycled metal sold by a manufacturer, producer, or importer if an action or proceeding under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or under section 7003 of the Solid Waste Disposal Act has been brought against such manufacturer, producer, or importer and such manufacturer, producer, or importer has failed or refused to comply with an order or judgment issued in such action or proceeding.

"(C) DEFINITIONS.—For purposes of this paragraph, the term—

"(i) 'Solid waste' shall have the meaning provided by section 1004 of the Solid Waste Disposal Act.

"(ii) 'Recycled metal means aluminum, chromium, cobalt, copper, nickel, zinc and any other metal recovered or diverted from solid waste for reuse. Such term does not include any chemical or compound such as an oxide or sulfate, or any mining waste.".

SENATE—*Monday, August 6, 1984*

The Senate met at 12 noon 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.

The Lord is my light and my salvation; whom shall I fear? The Lord is the strength of my life; of whom shall I be afraid?—Psalm 27:1.

Gracious Father in Heaven, this is pressure week. Thank Thee for the objectivity, the fairness, and the patience of the leadership. Give them special wisdom as they guide the Senate through these days. Help the Senate not to be busy rearranging the pictures on the wall while the house is burning down. Help them not to play games with rules and procedures which frustrate and abort good legislation.

Deliver the Senators from personal motivation which would sacrifice the common good. Purge our actions from all that violates truth and righteousness and justice. Grant, O Lord, that out of these days will come decisions which are the best for Nation and world. We pray this in the name of the Righteous One who lived and died for truth and justice. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, I am always fascinated, stimulated, and inspired by the Chaplain's prayer. But his litany of things that he wished the Senate to do and refrain from doing reminds me of the old nursery rhyme that, "When she was good, she was very, very good, and when she was bad, she was horrid." That is the way the Senate is. I hope it will be very, very good.

SENATE SCHEDULE

Mr. BAKER. Mr. President, we adjourned on Friday and meet today pursuant to that adjournment and a unanimous-consent agreement that provides for the formalities concurrent with the reconvening of the Senate.

Mr. President, after the two leaders are recognized under the standing order today, there will be a special order in favor of the distinguished Senator from Wisconsin [Mr. PROXMIRE], to be followed by a time for the transaction of routine morning business until 1 o'clock.

At 1 o'clock, Mr. President, we will resume consideration of the unfinished business, which is the Baker motion to waive section 303 of the Budget Act preparatory to the consideration of the agriculture appropriations bill.

Mr. President, at 4 o'clock today, by unanimous consent, there will be 1 hour for further debate on that motion, to be equally divided and controlled by the chairman and ranking member of the Budget Committee.

At 5 o'clock the vote on cloture will occur pursuant to the petition which was filed on Thursday.

Mr. President, the mandatory quorum to precede the vote on cloture was waived by unanimous consent.

Mr. President, it is hoped that cloture will be invoked on that motion and that the motion to waive the Budget Act will be agreed to, in which event the Senate will be asked to turn to the consideration of the agriculture appropriations bill.

If cloture is not invoked, then the debate will continue on the motion itself.

This is the final week before the recess for the Republican National Convention, Mr. President. As the Chaplain pointed out, I guess it is a pressure week, but let me say that it is the intention of the leadership on this side to do as much as we can this week. However, there are two matters that appear to be of major priority.

The first matter is the agriculture appropriations bill, of which I have already spoken.

The second is the supplemental appropriations bill which has now reached us from the House of Representatives and is on the calendar.

Mr. President, the 3-day rule will not expire, I believe, until Wednesday morning. However, it would be my hope that we can dispose of the agriculture appropriations bill today and perhaps the minority leader would consider waiving 1 day of the 3-day rule; perhaps not. Either way, I will understand.

If we can finish the agriculture appropriations bill, I hope we can get to the supplemental appropriations bill tomorrow. I do anticipate, Mr. President, that there will be considerable debate on the supplemental appropriations bill, maybe most of the rest of the week.

I may say parenthetically that I have asked that an adjournment resolution be prepared which will provide for the adjournment over of the Congress on Thursday, Friday, or Saturday of this week, to reconvene on Wednesday, September 5.

Mr. President, that is the outlook as I now perceive it. In the course of today and tomorrow, I will have an opportunity, I am sure, to consult with the minority leader. There will no doubt be other announcements during this day.

Mr. President, if I have any time remaining under the standing order, I offer it to the distinguished minority leader at this time.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for his kind offer. I do not believe I will need it.

Mr. BAKER. In that event, Mr. President, I yield back any time remaining under the standing order.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER [Mr. GORTON]. The minority leader is recognized.

WEST VIRGINIA'S OLYMPIC DREAMS COME TRUE

Mr. BYRD. Mr. President, 1 week ago I took the floor to note that two West Virginians—Mary Lou Retton of Fairmont and Edward Etzel of Morgantown—were beginning their first day of competition at the 1984 summer Olympic games.

Much to the delight of the people of West Virginia and of the United States, the Olympic dreams of those fine athletes have come true.

On Friday, August 3, Mary Lou Retton became the first American ever to win the gold medal in the Olympic all-around gymnastics competition. Strong efforts by excellent Romanian gymnasts elevated the competition to the level of perfection. Ms. Retton faced the daunting prospect of needing a perfect score on her final turn in order to win the gold medal. Millions of people worldwide watched as she overcame the intense pressure and achieved the perfect "10" on the vault—thus winning the gold.

Her fierce determination and her ability to perform flawlessly under terrific pressure mark Mary Lou Retton as an exceptional individual.

On August 5, gymnasts competed in the finals for each apparatus. Ms. Retton won a silver medal in the vault,

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

bronze medals in the uneven bars and in floor exercise, and placed fourth in the balance beam. Those efforts wrapped up a memorable Olympic games for the remarkable Mary Lou Retton.

West Virginia's master marksman—Edward Etzel—won a gold medal in rifle competition by shooting a near perfect 599 points out of 600. This particular event, known as English match shooting, requires each competitor to fire 60 shots at a 12-millimeter bull's eye from a distance of 55 yards. That is the equivalent of hitting a dime from half the distance of a football field. Telescopic sights are not used in English match shooting, so steadiness of hand and eye are tested to the limit.

Mr. Etzel's score tied the Olympic record in English match shooting. During the American Olympic trials earlier this year, Mr. Etzel tied the world record in this event—a perfect 600. Edward Etzel's sojourn into the realm of perfection makes him one of the legendary sharpshooters of the Mountain State. Mr. President, there have been many sharpshooters in the State of West Virginia.

The 615 athletes of the U.S. Olympic team are representing our country with dignity and courage. Mary Lou Retton and Edward Etzel have made West Virginia and the United States proud by performing with distinction in the Olympic games.

Mr. President, does the Senator from Wisconsin need any additional time? He indicates he does not. Therefore, I yield back the remainder of my time.

RECOGNITION OF SENATOR PROXMIRE

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

CAN WE RELY ON VERIFICATION IN NUCLEAR ARMS TREATIES?

Mr. PROXMIRE. Mr. President, on July 6 of this year, I wrote to Prof. Richard Garwin to solicit his views on the adequacy of the current verification capabilities of the United States with respect to nuclear arms control agreements. Verification lies at the heart of arms control. The administration has repeatedly refused to consider arms control agreements to stop nuclear weapons testing and to end antisatellite activity. Why? They have done so on the ground that we cannot reliably verify such agreements. So I asked the opinion of a highly respected expert, Dr. Richard Garwin.

Who is Richard Garwin? What are his qualifications to advise the Congress on arms control verification? Does Professor Garwin have the technical and practical qualifications to speak with authority on nuclear arms control verification?

Dr. Garwin is a very practical scientist. In fact, he has been director of applied research for IBM at the Watson Research Center. He has been associated with that research center for the past 19 years. Presently, he is a professor of public policy at the Kennedy School at Harvard University and an adjunct professor of physics at Columbia University. He served on the President's Science Advisory Committee in the Kennedy, Johnson, and Nixon administrations. Most pertinent of all, Dr. Garwin served as a member of the U.S. delegation to the negotiations for the prevention of surprise attack in Geneva, Switzerland, in 1958. This group laid the groundwork for further negotiations resulting in the 1963 Limited Test Ban Treaty, the 1967 Nonproliferation Treaty, the SALT I agreement, and the ABM Treaty. Dr. Garwin has frequently testified before congressional committees on national security issues and has won respect for both pragmatism and competence in that testimony.

Now, Mr. President, the administration has expressed reluctance to enter into treaties with the Soviet Union that would stop all nuclear test explosions and that would ban antisatellite research and deployment. Why? They have done so on the ground that we could not verify such treaties. What does Dr. Garwin have to say about the practicality of such verification? Dr. Garwin introduces a critical but easily overlooked principle. It is the principle of military significance. For example, we now have a 150-kiloton limit on the size of underground nuclear weapons test explosions. If we conclude that an explosion exceeding that limit by roughly 30 percent—say a 200-kiloton explosion—would not make any military difference, then we could be content with a verification system that would detect an explosion that exceeded the limit by 5 percent—say a 160-kiloton explosion. The Russians might deliberately or inadvertently test a nuclear device with an explosion of 155 kilotons without our ability to detect that it exceeded the 150-kiloton level. But so what? Since the departure from the 150-kiloton treaty limit would have no military significance, our verification capability would be adequate.

Applying this principle, we can and should confidently negotiate with the Soviet Union for a total ban on all nuclear weapons testing of any kilotonnage. Both the 1963 treaty limiting nuclear weapons testing and the 1974 agreement relating to underground nuclear explosions pledge this country.

We signed those treaties, we ratified that 1963 treaty. We promised, Mr. President, we pledged that we would enter such negotiations.

The Soviet Union has urged this country to negotiate such a limit. Why have we refused to keep our treaty commitments to negotiate for a total and comprehensive stop on all nuclear testing? Such a treaty would do more to stop the arms race than any other action we could take. As the head of the Livermore Lab told President Carter in 1979, it would "perform a frontal lobotomy on nuclear weapons research." That research has given us the power to destroy civilization. It could, if it continues, provide the capacity to destroy mankind and all life on Earth. With every research advance, we come closer to the development of cheaper and ever more powerful nuclear weapons that could be much more easily afforded by many nations and even terrorist groups. As the scientists make those breakthroughs, the prospects of keeping such weapons out of the hands of scores of nations will disappear. So why, in the name of God, do we not keep our word, negotiate a comprehensive end of nuclear weapons testing and thereby to nuclear weapons research? Why do we not slam the door shut?

What does the administration say when we ask them to do just this? They say this country could not verify such an agreement. Mr. President, over the past year or so, I have placed in the record voluminous documentation from our most emminent seismologists arguing that we can, indeed, verify such a flat prohibition on nuclear test explosions. These experts agree that this country can now detect any underground explosion conducted by the Soviet Union that would have any military significance whatsoever. So why not keep the word we pledged in two treaties and promptly negotiate an end to nuclear weapons testing, period?

In his letter to me, Dr. Garwin is especially persuasive in arguing that we can verify an antisatellite treaty with the Soviet Union. In this case, too, the administration has argued that we cannot negotiate such a treaty because it would not be verifiable. Garwin argues:

> The Administration witnesses in support of the Strategic Defense Initiative describe space-based observation and tracking sytems which will follow missiles from the moment of launch through their entire life in space, including detailed observation of the deployment of MIRVs, and the like. If such sensors are conceivable for operations with thousands of simultaneous launches and in background of nuclear explosions and intentional attempts to disable and deceive the sensors, how much sooner would we be able to have capability which the Administration would deem adequate for verifying an ASAT limitations?

Mr. President, in the judgment of this Senator, Dr. Garwin has gone a long way to put to rest the concern which Members of the Congress might understandably have that we can not proceed with arms control because we lack a verification capability. I ask unanimous consent that Dr. Garwin's letter to me of July 26, 1984 be printed in the RECORD at this point.

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

JULY 26, 1984.

Senator WILLIAM PROXMIRE,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR PROXMIRE: Your letter of 07/06/84 asks my views on the adequacy of the current verification capabilities of the United States, their possible improvement, and other related questions. "Adequately verifiable" is a term which has been used by most serious people concerned with national security and arms control, covering a spectrum ranging at both ends far beyond Paul Nitze and myself.

As my testimony for the Senate Armed Services Committee of 04/12/84 makes clear, the formulation of a treaty and concern for its verification are intertwined. For this reason, the treaty I introduced 05/18/83 to the Senate Foreign Relations Committee does not ban possession of ASAT means, but only test and use. Mr. Andropov's offer to destroy "existing ASAT systems on both sides" is welcome, and I would like to see the proof the Soviet Union would offer that their ground-based ASAT has been destroyed, but I would not put that into the treaty.

My letter to Senators on verification of SALT II might be of interest to you. Here I point out that the militarily significant acts are defined, but in order to give timely warning of violation of commitment, additional undertakings are involved, the violation of which would not in itself be militarily significant. Thus, if one's ability to measure something is in the 3% range, and the undertaking is not to change a parameter by more than 5%, one is left with some uncertaintly as to whether a change which has been measured as 6% is really 3% or even 9%. Therefore one cannot say absolutely that the other side is in compliance with the treaty or is not in compliance with the treaty. However, if the militarily significant change is 30%, then it is far better to set the allowable change at 5%, and have "uncertainty in verification" than to set it at 20% in order that one could be very sure that a nation remaining in compliance (changing the parameter by 20% and having observed because of inaccuracy of measurement to have changed it by 23%) should not be falsely accused of exceeding the 30% militarily significant change. Put very simply, if we worry about 30% change, we are far better off with a certainty that the Soviets haven't changed something by 9% than we would be with the certainty that they hadn't changed it by 26%.

Our capability for verification involves some of the most secret and sensitive information and systems in existence. There is a ready tool available to those who for one reason or another oppose a given arms control agreement. They can express concern about verification, in the expectation that proponents of the treaty and government agencies will not be able or willing to provide reassurance as to how the treaty might be verified. Alternatively, they can insist on such strict standards of verifiability (perhaps including on-site inspections, which might not in fact help) in the hope that the treaty will become unacceptable to the other side.

I find it curious that this Administration seems to claim success in negotiations on chemical warfare, when the on-site inspection provisions do not apply (or seem not to apply) to commercial operations within the country.

Furthermore, I have not seen any description of the verification provisions for the INF or START treaties which have been advanced by this Administration, and I wonder whether these verification provisions (if satisfactory to the Administration) might not be considered as a model for verification of the other treaties (Threshold Test Ban, Peaceful Nuclear Explosions, ASAT) which the Administration claims are unverifiable.

One final remark: the Administration (as detailed in my testimony of 04/12/84) claims that a comprehensive ASAT ban is not verifiable and that no lesser verifiable ban has been identified which would be in the national interest. I dispute this, because the Administration has never commented in detail on the draft Treaty which I presented 05/18/83, or even on the Soviet draft treaty of August 1983. But the Administration (primarily Defense Department and other witnesses in support of the Strategic Defense Initiative) describe space-based observation and tracking systems which will follow missiles from the moment of launch through their entire life in space, including detailed observation of the deployment of MIRVs, and the like. If such sensors are conceivable for operations with thousands of simultaneous launches and in a background of nuclear explosions and intentional attempts to disable and deceive the sensors, how much sooner would we be able to have capability which the Administration would deem adequate for verifying an ASAT limitations?

I hope this responds adequately to your question. Still on the ASAT verification question, I enclose an informal speech I gave at MIT last February.

Sincerely yours,

RICHARD L. GARWIN.

EXIMBANK CAPITAL RESTORATION ACT OF 1984

Mr. PROXMIRE. Mr. President, the bill I am sending to the desk requires the Eximbank to maintain a capital base of at least $2 billion.

Capital is expected to decline by $2.2 billion by the end of fiscal 1985. This bill authorizes the appropriation of capital contributions needed to maintain the $2 billion minimum. The advantage of this bill is that it will force the Appropriations Committee and the Congress to pay more attention to the real cost of the Export-Import Bank subsidized lending operation. The Bank has been able to camouflage its losses by drawing down its capital. Otherwise, the Bank will continue to run down its capital to the point where, several years from now, the Congress will be forced to appropriate for a $1 billion or $2 billion capital replenishment. In fact, my bill puts the Bank on a pay-as-you-go basis.

Mr. President, I am increasingly concerned about the recent, rapid erosion of the Export-Import Bank's capital base and believe Congress must take action to halt that deterioration if the Bank is to remain a credible instrument for combating the subsidized financing of exports by foreign governments.

As you know, the Eximbank was originally created in 1934, during the administration of President Franklin Roosevelt, in order to finance trade with the Soviet Union. That administration viewed opening trade relations with the Soviets as an important political objective, but the private market was not willing to finance such trade because the Communist regime had defaulted on the previous tsarist government's World War I debts.

After World War II the Bank was made a wholly owned U.S. Government corporation by the Export-Import Bank Act of 1945. During the early postwar years, when the level of private lending to Europe was viewed as insufficient to prevent economic and consequent political disorder, the Bank was one of the institutions used by our Government to channel money to Europe.

Presently the Bank's principle role is to provide financing support to aid U.S. export sales in most parts of the world. It does this through financing programs that include direct loans, financial guarantees to private lenders, and commercial and political risk insurance. Eximbank does not receive appropriated funds. It originally received $1 billion in capital from the Treasury and uses mainly Federal financial bank borrowings to sustain its lending operations.

During the first 32 years of its existence (1934-66) the Bank ran a rather profitable operation as it was able to charge more interest on loans than it paid for its borrowings. As a consequence it was able to pay over $1 billion in dividends to the Treasury, while also building its reserves through the retention of earnings. Since 1966, however, the Bank has generally had a negative spread between the average interest rate on its loan portfolio and the average rate on outstanding debt. Still the Bank was able to show a profit each year until 1982 because the earnings on its reserves and original capital were sufficient to offset losses due to the negative spread.

The General Accounting Office [GAO] annually examines the Eximbank's financial statements. Beginning in 1975, the GAO began expressing concerns about the adequacy of the Bank's capital reserve in light of its declining income. In its 1980 report, the GAO stated that because "the Bank's accumulated income is also its reserve against loan defaults and

claims, it cannot use accumulated income to subsidize its lending rates and to absorb such losses without jeopardizing the adequacy of its reserves." Reporting in 1981, the year the Eximbank's capital base peaked at $3.2 billion before beginning a rapid decline, the GAO stated that although that base was sufficient to cover loan losses resulting from borrowers who were facing financial difficulties, it was not adequate to cover possible losses on loans and guarantees that had not yet matured. GAO noted that the Department of the Treasury shared its concern over the adequacy of the Bank's reserve.

Since 1981 the capacity of the Eximbank's capital base to absorb potential losses has been further reduced because:

First, increased lending operations have not been accompanied by corresponding increases in income to its reserve for contingencies and defaults;

Second, risk of incurring future losses on delinquent loans and obligations has increased; and

Third, lending below the costs of funds has resulted in operating losses since 1982 and these losses are projected by the Bank to extend to at least 1990.

These developments demonstrate that the concerns GAO expressed in 1980 were well founded. Despite the increased risk of losses from Eximbank's expanding loan portfolio, the Bank's capital reserve has declined rapidly because of continued concessionary lending in the face of historically high interest rates. Earnings on the Bank's reserve and capital are no longer sufficient to offset the widening negative interest rate spreads on outstanding debt and loan investments. The annual losses are eating up the Bank's capital base.

In February 1984, the Banking Committee held hearings on the nomination of John A. Bohn, Jr., to be Vice Chairman of the Bank. At that hearing Mr. Bohn noted his own concern over annual losses of money by the Bank. He said that it was simply impossible for the Bank to be credible internationally if it continued to run red ink over a long period of time. But many in Congress want the Bank to be credible, particularly insofar as it is used as our instrument for fighting subsidized financing employed by many competing trading nations.

Another recent event that has raised my concerns about the Bank's credibility was GAO's April 1984 report that said the Bank's total equity base was $1 to $1.5 billion less than shown on the Bank's books due to the uncollectibility of loans made by the Bank. This would mean the Bank's total capital base was really only between $1.3 and $1.8 billion as of September 31, 1983, instead of the $2.8 billion shown on the Bank's books.

Even if, for the sake of argument, the Bank and not its GAO auditor is correct in assessing the Bank's equity position at $2.8 billion, and not a billion or more less, there is still cause for concern. Since its equity position peaked at $3.2 billion in 1981, the Bank has lost money rapidly. According to the President's own budget, the Bank expects to lose another $295 million in fiscal year 1984 and $318 million in fiscal year 1985. This will bring the Bank's total capital down to $2.2 billion by 1985, using the Bank's own accounting method, and probably a lot lower if we apply methods used by its GAO auditor.

During 1983, when passing the increase in our country's contribution to the IMF, Congress expressed concern over the possibilities of a banking crisis. To head off such a possibility, Congress directed Federal banking agencies to require banks to maintain adequate capital levels and to set up special reserves for certain types of international loans, among them those loans for which there were no definite prospects for the orderly restoration of debt service. Since then, the FDIC, Comptroller, and Federal Reserve have taken action to require the banks they regulate to increase the ratio of their capital and reserves in relation to bank exposures.

One must contrast Congress' action in relation to commercial banks with what is happening at the Export-Import Bank. At that institution the Bank's exposure is increasing, its annual losses are accelerating, and its equity position is deteriorating. As the Bank's Vice Chairman suggested in February, this makes the Bank a less credible institution for combating export subsidies of our trading rivals.

To ensure that the Congress has an opportunity to prevent the Bank's equity position from deteriorating below a level at which the Bank would lose its credibility as an independent institution, I am sponsoring the Eximbank Capital Restoration Act of 1984. This bill simply requires the Bank to maintain a minimum capital base of $2 billion. Should the Bank's capital threaten to dip below this minimum, the Bank is authorized to seek an appropriation in order to maintain the capital base at the required minimum.

If the Bank continues to maintain losses in the $200 to $300 million range over the next several years, it will eventually completely erode its capital base. At the same time, the Bank continues to increase its outstanding commitments. Such a situation impairs the credibility of the Bank as a viable institution and sets up a situation that could require a massive bailout by the Congress. For although the Bank is an independent corporate agency of the United States, its commitments are guaranteed by the full faith and credit of the Federal Government. Since recent and projected developments at the Bank ensure that Congress will sooner or later be forced to cover the Bank's losses, we might as well do it sooner and avoid the inevitable trauma of a last-minute rescue package. In that way, the Appropriations Committee and this Congress can maintain closer surveillance of the Bank's operations and hopefully, assist it in its efforts to regain fiscal solvency.

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:

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 "Eximbank Capital Restoration Act of 1984".

SEC. 2. The Export-Import Bank Act of 1945 is amended by adding at the end thereof the following new section:

"SEC. 15. The Bank shall maintain at all times a minimum level of capital stock and retained earnings in an amount not less than $2,000,000,000. There is hereby authorized to be appropriated such sums as may be necessary to enable the Bank to comply with the requirements of this section."

TORTURE AND GENOCIDE—BOTH ARE INDISPUTABLY WRONG

Mr. PROXMIRE. Mr. President, according to internationally recognized nongovernmental and intergovernmental human rights organizations, more than 60 countries use systematic torture. That's a hard statistic to understand in terms of human suffering, but it means that there is evidence of pain being inflicted upon citizens—people like you and me.

We are fortunate here in the United States. U.S. law prohibits the use of torture, and the idea of torture as an acceptable Government tactic is morally repugnant to Americans. Unfortunately, as Amnesty International reports:

> While governments universally and collectively condemn torture, more than a third of the world's governments have used or tolerated torture or ill-treatment of prisoners in the 1980's.

On June 26, Senator PERCY introduced a joint resolution to this Senate. The resolution, Senate Joint Resolution 320, clearly places the U.S. Government in opposition to the practice of torture by any foreign government, regardless of where the act of torture occurs, and exclusive of ideological considerations. I support this legislation. I support it because it solidifies the United States place in the pro-human-rights camp. It simply states that we are against torture, for any reason.

The text of the resolution points out another benefit from stating our opposition to torture. The bill reads:

The good will of the peoples of the world towards the United States can be increased when the United States Government distances itself from the practice of torture by governments friendly to the United States.

Just as we should not condone the behavior of a friend who shoplifts, or drives while drunk, we should not let those governments that practice torture go uncensured.

I must add now, that though I applaud this resolution, and I believe that it is all very well and good to come out so clearly against torture, there are other actions that can be taken by this body to help ensure that human rights don't take the back seat. One such action should be the ratification of the Genocide convention. By ratifying the convention, we will clearly be saying that the United States is against racial, religious, or ethnic genocide, wherever and whenever it occurs. Why not get this statement on the record?

Why not ratify the Genocide Convention?

Mr. President, I yield the floor.

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 1 p.m. with statements therein limited to 5 minutes each.

HIROSHIMA ANNIVERSARY

Mr. BYRD. Mr. President, today is the 39th anniversary of the bombing of Hiroshima. Anniversaries provide an occasion to look back and reassess. In an excellent editorial piece in today's Baltimore Sun, our colleague, Senator MATHIAS, shares his memories of visiting Hiroshima about 1 month after the blast that reduced that city to cinders. He admonishes us to learn the right lessons from that experience. Bringing his own experience and his solid understanding of foreign policy to bear on this occasion, Senator MATHIAS encourages us to learn the right lessons from Hiroshima.

In particular, he encourages the President to support ratification of the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty. These important treaties have languished in the Foreign Relations Committee while the administration has trumpeted its commitment to verifiable arms control.

I ask unanimous consent that Senator MATHIAS' article entitled "Sources of Hope" be printed in the RECORD.

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

SOURCES OF HOPE

(By Charles McC. Mathias, Jr.)

Thirty-nine years ago today a B-29 Superfortress, the Enola Gay, took off from Tinian Island in the Philippine Sea enroute to the city of Hiroshima. At 8:16 a.m., August 6, 1945, the Enola Gay dropped an atomic bomb that exploded 2,000 feet above the industrial section of the city. The result was a revolution not only in warfare but for the entire world. The nuclear age had begun.

About a month later as a naval officer, I walked through the atomic ashes of Hiroshima. I can never forget that experience. The entire city was leveled. As I approached the edges of the city, the first evidence of the bombing was apparent. Window panes were out, doors blown off hinges, and as I continued toward the center of the city, the damage got progressively worse. Finally, near the epicenter, everything was destroyed. What had been a populous urban center was as flat as a Kansas wheat field.

It seems to me that the appropriate way to observe the anniversary of the Hiroshima bombing is by trying to learn the right lessons of Hiroshima. Hiroshima and Nagasaki should stand out in human history as the only cities where in all of time, in all of history, a nuclear attack took place. The best way to translate that lesson into reality is to work for nuclear arms control.

Yet today, as we observe the anniversary of Hiroshima, it is particularly disquieting that the relationship between the world's two nuclear superpowers, the United States and the Soviet Union, has deteriorated to its lowest point in recent memory. We cannot afford it. The stakes are too high.

We must display our readiness to work with the Soviet Union to reduce and ultimately eliminate the scourge of nuclear weapons from the face of the earth.

We have the means to show this readiness.

Since 1978, two treaties, each signed by the United States and the Soviet Union, have been before the Senate Foreign Relations Committee. They are the 1974 Threshold Test Ban (TTB) and 1976 Peaceful Nuclear Explosions (PNE) Treaties. Our obvious first step toward improving arms control prospects is to press for immediate ratification of these treaties.

The TTB Treaty prohibits underground nuclear tests with a yield of more than 150 kilotons. The PNE Treaty for the first time provides for on-site inspection of testing areas. This is particularly important because the Soviet Union has traditionally opposed on-site inspection. Ratification of the PNE Treaty would be the first step toward securing Soviet acceptance of the concept of on-site inspection as an aspect of any arms agreement. Both are in our national interest, yet they languish in a kind of legislative limbo.

At any time, by offering its advice and consent, the Foreign Relations Committee and full Senate could easily perform their constitutional roles in the ratification process. A Senate "dress rehearsal" has, in fact, already been held. On June 20, the Senate adopted an amendment to the Defense Authorization Bill calling for presidential consent to ratification of the two treaties. Senator Edward Kennedy and I offered that amendment which was adopted, 77-22, demonstrating that the two-thirds necessary for consent to ratification can easily be mustered.

The success of the Mathias-Kennedy amendment encourages me to hope that the administration will drop its opposition to the TTB and PNE treaties, and resume Comprehensive Test Ban (CTB) talks. If it does not, the Senate could on its own call up the TTB and PNE Treaties for immediate consent to ratification. Calling up the treaties for consideration now, however, would invite confrontation with the executive branch. And once the Senate surrenders possession of the TTB and PNE Treaties, it can never get them back. The treaty process calls for the advice and consent of the Senate before an agreement is returned to the president for ratification. Once a treaty has been returned to the White House, the Senate has no further role to play. However, the risk of losing the treaties that way seems to me less dangerous than doing nothing at all.

The people of the world—especially on an anniversary of this kind—look to the United States for leadership in the field of arms control. We must not fail them. We must demonstrate our determination to reduce the risk of nuclear war, and there is no better way to do that than by ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties.

THE CROSS-FLORIDA BARGE CANAL

Mrs. HAWKINS. Mr. President, the Cross-Florida Barge Canal has been the focus of controversy for many years. There has been legislation pending to deauthorize the project for the past 3 years, and the House of Representatives narrowly defeated a deauthorization amendment last month. I have opposed the deauthorization legislation, for reasons I will explain shortly, and I believe that my opposition is well-founded.

At the same time, I am strongly opposed to construction of the canal. It would clearly be an environmental disaster to Florida, threatening both the quality and the very availability of water in the northern portion of the State. Even if construction should be somehow determined to be economically viable, the environmental problems make the canal totally unacceptable to me and the majority of Floridians.

We are also seeing the evolution of a totally unsatisfactory situation in Florida, where the former owners of canal right-of-way lands are successfully suing in State courts for return of that land, on the grounds that Congress has effectively abandoned the canal project by not appropriating funds for construction.

The project has developed valuable public recreation areas at both the eastern end—Lake Ocklawaha—and the western end—Lake Rousseau and the canal to the Gulf of Mexico—of the right of way. These areas, and possibly the beautiful Ocklawaha River Valley as well, are threatened by these suits.

The possible loss of the public benefits from these areas makes some action by the Congress necessary.

Since there are extensive costs and risks associated with deauthorization, and since there is good reason to believe the House will not accept such a proposal in any case, it seems clear that some alternative is needed.

I have introduced legislation which I hope will represent an alternative acceptable to all sides.

By way of background, I would point out that the Florida Legislature passed legislation in 1979 to provide for the disposition of the right-of-way in the event Congress deauthorized the canal. This provided that the land around Ocala National Forest would be sold to the Forest Service, that the State would decide whether to drain or retain Lake Ocklawaha and the Lake Rousseau/canal segment, and that the central portion of the right-of-way would be sold, with the funds going to reimburse those counties which had contributed to the canal project.

Legislation was introduced in Congress to deauthorize the canal in accordance with the State law. I objected to that because I was not convinced that either the State law or the pending bills provided adequate protection for the public recreational areas, in that they would not prevent substantial portions of the Lake Ocklawaha area from reverting to private ownership. I was also opposed to draining the lake.

I have conducted extensive correspondence with State officials on this matter, and never received what I considered to be a satisfactory response to my concerns. I accordingly was never prepared to support deauthorization.

My basic concern is that a significant portion of Lake Ocklawaha and the immediately surrounding area is held only by easement, not in fee simple title. The State law proposed to sell those easements to the Forest Service, along with land owned in fee simple, for recreational and conservation purposes. I did not believe this was legally possible.

Subsequent contact with the American Law Division of the Library of Congress confirmed my belief. By the basic tenets of property law, which in turn are derived from the constitutional right of property ownership and are thus not subject to legislative alteration, an easement is valid only for the purpose for which it is obtained. Thus, upon deauthorization of the canal, nearly 40 percent of Lake Ocklawaha and the surrounding lake frontage would automatically revert to private ownership, free of any public claim on the taxpayer-financed lake.

This is totally unacceptable to me.

In June of this year, apparently in recognition of the faults of the existing State law, the Governor signed a new law which extensively revised the deauthorization procedures. It authorizes the State to attempt to condemn the easement lands at Lake Ocklawaha, and to sell or trade them, along with the land in the area owned by the canal authority, to the Forest Service, at current market value. It also provides a priority to the counties in whose boundaries the land is, and to former property owners, in the disposition of the central right-of-way lands.

This means, in essence, that the State—implicitly recognizing that it will lose control of the easement lands upon deauthorization—will attempt to condemn these lands, for which it would be required to pay current market value if successful, in order to turn around and sell them to the Federal Government, also at current market value.

This land has already been the subject of extensive litigation, and the Florida Supreme Court has already refused to grant the State fee simple title on it for canal purposes. I accordingly believe it cannot be taken for granted that courts would approve condemnation for the sole purpose of selling the land to the Federal Government, particularly inasmuch as the Federal Government has power on its own to acquire the land if it so desires.

Deauthorization thus poses a considerable, and I believe unacceptable, risk of still losing a major portion of Lake Ocklawaha to private ownership.

Equally unacceptable, in my judgment, is the fact that the taxpayers would be essentially required to pay for Lake Ocklawaha twice. The lake was created totally through Federal funds, provided by the taxpayers, and we are now being asked to turn around and buy it back again from the State of Florida and from the original property owners in the region. Given that much, if not most, of the current market value of the land derives from the presence of the lake, we would be faced with an outrageous raid on the Public Treasury if the project were deauthorized and the State law were to work as intended.

I see absolutely no reason why the taxpayers should have to purchase Lake Ocklawaha when whey paid for its creation in the first place. And I see no reason to take the risks involved with losing public control over the land there and then attempting to recover it.

In contrast to this, my proposal would have the Corps of Engineers assume management of the entire right of way. The bill provides authority for the corps to take the land if necessary, but I would strongly hope that the State of Florida, in the interests of resolving this matter and avoiding unnecessary expenditures, would voluntarily enter into some sort of cooperative agreement with the corps providing for corps management of the land while the State retains ownership of those areas which it currently owns. Easements could be transferred to the corps, since the State has no other claim on those lands.

The Corps of Engineers would in turn assume the responsibility of defending the right-of-way against all present and future suits seeking reversion of land to private ownership, or on any other matter. The bill also contains a series of congressional declarations and findings making the point that only Congress may determine whether a Federal project is deauthorized or not. I would anticipate that the courts would defer to such an express statement of congressional intent, and that this would end the threat of loss of canal lands via lawsuits.

The bill directs the Corps of Engineers to manage the two existing lakes and canals, and the Ocklawaha River valley, for recreational and fish and wildlife management purposes. The corps is authorized to lease the central right-of-way lands to the counties in whose jurisdiction the land is for recreational, conservation, or park purposes, and to original owners, for those or agricultural purposes, for $1 per year; and any lands not so leased to the general public for agricultural purposes for current value. This is as close as I can come to accommodating the expressed desire of the legislature and existing practice on these lands without deauthorizing the projects, which I am unwilling to do for the reasons noted previously.

The bill also requires that in the very unlikely event that new construction funds would ever be appropriated, there would have to be a new environmental impact statement, and a finding of "no significant adverse impact" before the money could be spent.

Given this requirement, the fact that the State could retain ownership of its right-of-way lands, and the firm opposition of both Florida Senators to any new construction, I believe that the bill offers no chance whatever of providing for construction of the canal.

What it does do is protect the public interest in Lake Ocklawaha, where there are over 400,000 visitations yearly, mostly for fishing, and in Lake Rousseau and its canal, which permits several thousand trips by boaters annually from the lake to the Gulf of Mexico. It does this without any environmental risks, and without the waste of tax moneys.

The highly complex legal situation which has evolved over the years around the canal makes it necessary for this legislation to be equally complex; one might be justified to even use the term "convoluted." Yet I believe it solves most of the major problems associated with the situation, and that it does so as fairly as is possible without a considerable expenditure of Federal tax funds.

I hope that both the proponents and opponents of deauthorization will accept this in the spirit of compromise in which it is offered, and that we could proceed to a prompt resolution of the matter.

Mr. President, I ask unanimous consent that the text of my bill, S. 2902, be printed in the RECORD.

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

S. 2902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) although it is not currently desirable, in light of the financial problems facing the Federal Government, to continue construction of the Cross Florida Barge Canal, authorized by the Act of July 23, 1942 (56 Stat. 703), the possibility of resumption of construction, or other disposition of the project, should not be foreclosed without a specific decision of the Congress;

(2) more than $70,000,000 in Federal funds have been expended on Construction of the Cross Florida Barge Canal project to date;

(3) completed portions of the Canal provide valuable recreational benefits to the public, and the habitat for fish and wildlife, including endangered and threatened species;

(4) property in and near the authorized right-of-way for the Canal project has substantially increased in value as a result of Federal expenditures for construction of the Canal;

(5) the continued viability of the project, and the retention of the public benefits noted in this section, is threatened by actions of the State courts in ordering reversion to the original owners of lands and interests in lands in the Canal right-of-way which are controlled by the State of Florida;

(6) existing State law does not appear adequate to protect the public benefits and interests involved in the Canal project; and

(7) accordingly, action by the Congress to protect such benefits and the public interest is necessary.

SEC. 2. (a) Except as provided in subsection (b), the authorization for the Cross Florida Barge Canal contained in the Act of July 23, 1942 (56 Stat. 703) is amended to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to acquire the right-of-way lands, or interests in such lands, which would be required for use in connection with the Cross Florida Barge Canal and shall utilize the completed portions of the Canal and the Ocklawaha River Valley for recreational purposes and fish and wildlife management and enhancement prior to the need for such lands for the navigational features of the project.

(b)(1) Notwithstanding the provisions of subsection (a), the Secretary of the Army—

(A) shall not operate Eurika Lock and Dam in such a fashion as to flood any land not flooded on January 1, 1984; and

(B) may lease any land not utilized for recreational or fish and wildlife management purposes for agricultural, recreational, or fish and wildlife management purposes until such land may be needed for the navigational features of the project, and if such lease shall be to a unit of local government in whose boundaries such land lies, or to the person from whom the property was originally acquired, such lease shall be for $1 per year.

(2) No funds appropriated for resumption of construction of the Canal may be obligated unless and until the Secretary of the Army completes an environmental impact statement after the date of such appropriation which finds no significant adverse environmental impact likely to result from construction of the Canal.

SEC. 3. Upon agreement with the State of Florida, the United States shall defend any legal proceedings brought against the lands or interests in lands held in the right of way for the Cross Florida Barge Canal.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SOLID WASTE DISPOSAL ACT AMENDMENTS OF 1984

Mr. SIMPSON. Mr. President, on July 25, the Senate considered and passed the Solid Waste Disposal Act Amendments of 1984. This legislation represents a major step for this country in our efforts to address the issue of how we are to handle and dispose of toxic chemical wastes in a safe, effective, and efficient manner, and the Senate is to be commended for the leadership that it has demonstrated. After extensive hearings and long, arduous markups, the Environment and Public Works Committee was able to reach consensus on a broad range of controversial and oftentimes emotion-laden issues—a true tribute to the bipartisan manner in which this committee has approached all environmental issues, and the steady leadership that has been demonstrated by our chairman, Senator STAFFORD, by my friend Senator JOHN CHAFEE, and our greatly respected ranking minority member, Senator RANDOLPH.

Yet it has come to my attention that shortly following passage of this important legislation a further clarification was offered on precisely what was supposed to be intended by the Senate with respect to a wide range of issues related to this legislation, and, in particular, with respect to the intent of the Committee on Environment and Public Works when it drafted and reported the legislation and the various amendments that were before the Senate last week.

Because of the unfortunate confusion generated by the statements that were made following passage of this legislation, I should like to take this opportunity, Mr. President, to comment on the issues that have been raised.

Of particular concern to me, Mr. President, in my role as chairman of the Subcommittee on Nuclear Regulation of the Environment and Public Works Committee, are the statements that have been made on page 20811 of the CONGRESSIONAL RECORD on the subject of mixed waste.

Briefly, Mr. President, questions have been raised with respect to whether the Environmental Protection Agency is authorized under the Solid Waste Disposal Act, as amended, to regulate waste streams which include both radioactive materials—which are subject to the jurisdiction of either the Nuclear Regulatory Commission or the Department of Energy pursuant to the Atomic Energy Act, and are exempt from the requirements of the Solid Waste Disposal Act—and nonradioactive materials, which, but for their presence in a radioactive waste stream, would otherwise be subject to regulation under the Solid Waste Disposal Act.

To the very best of my recollection, and that of my staff, Mr. President, the subject of mixed waste was not ever considered in the course of developing S. 757, nor was it addressed with the Senate took up this legislation on July 25. The bill reported to the full Senate by the Committee on Environment and Public Works includes no provisions whatever that I am aware of that add to or modify the provisions of the existing law with respect to the mixed waste issue.

Indeed, the existing law, together with the supporting legislative history, appears to provide a very clear and definitive directive on the question of just how mixed waste should be handled. Section 1004(27) specifically excludes all source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 from regulation under the Solid Waste Disposal Act, as amended. As I read this provision, the mere presence of other hazardous materials in a waste stream that is primarily composed of radioactive materials, measured either by volume or by risk posed, is not a sufficient basis upon which to assert regulatory authority under the Solid Waste Disposal Act, and to regulate, as a de facto matter, a radioactive waste stream that will, in many instances, include small quantities of hazardous materials. It strains credibility to interpret this phrase, as some have suggested, to mean that the mere presence of certain hazardous substances in a waste stream that is otherwise primarily made up of source, special nuclear, or byproduct materials, since this would have the effect of rendering this particular exemption in section 1004(27) a nullity, which action would effectively extend the requirements of the Solid Waste Disposal Act, as amended, to virtually all radioactive waste streams.

Indeed, in all but the most exceptional cases, the regulatory program established by the Nuclear Regulatory Commission [or DOE], is fully capable of addressing the unique factors associated with radioactive materials and for providing a level of protection of

human health and safety consistent with EPA's RCRA regulations, without the need for the unnecessarily burdensome and overlapping requirements that would result if those RCRA requirements were applied in each and every instance where radioactive materials regulated by the NRC or DOE also happen to include nonradioactive materials subject to regulation under RCRA.

The Solid Waste Disposal Act further provides for the exceptional case where the facts warrant considering the application of certain requirements of the Solid Waste Disposal Act to activities or substances that are subject to the Atomic Energy Act of 1954. Section 1006(a) provides that—

> Nothing in this act shall be construed to apply to . . . any activity or substance which is subject to . . . the Atomic Energy Act of 1954, except to the extent that such application is not inconsistent with the requirements of such act.

As I read this provision, the application of Solid Waste Disposal Act requirements to activities or substances that are subject to the Atomic Energy Act was contemplated by Congress to be the exception, rather than the rule. Indeed, the opening phrase, "nothing in this act shall be construed to apply," sets a very clear tone for the approach that Congress intended under this provision. The presumption of this particular provision is in favor of regulation by the Nuclear Regulatory Commission, or the Department of Energy, of all activities and substances that are subject to the Atomic Energy Act. If, in certain isolated cases, it appears desirable for EPA to consider applying requirements of the Solid Waste Disposal Act, or NRC, or DOE regulated facilities or substances, this provision allows EPA to apply only those requirements that are consistent with the requirements of the Atomic Energy Act. And moreover, since this provision calls for a judgment on whether a particular approach is consistent with the Atomic Energy Act—the NRC's and DOE's basic organic authority—I read this provision to vest the final decision-making authority in the Commission or DOE, as appropriate.

I should also emphasize, Mr. President, that the very language of this provision—"that such application is not inconsistent with the requirements of such acts"—contemplates more than a demonstration of mere physical impossibility as a justification by the NRC or DOE, for not agreeing to the application of any of the provisions of the Solid Waste Disposal Act. Indeed, I can envision a wide range of situations where compliance would not be a physical impossibility, but would nevertheless be inconsistent with the requirements of the Atomic Energy Act. Regulation of NRC-licensed facilities or substances or DOE facilities or substances, by States, for example—an approach that RCRA would otherwise contemplate for hazardous substances—is an issue on which the Atomic Energy Act takes a fundamentally different—and inconsistent—approach. Indeed, as I understand the Solid Waste Disposal Act and the Atomic Energy Act, the level of protection contemplated by the two acts may be fundamentally different—and perhaps inconsistent—if the Solid Waste Disposal Act does, indeed, contemplate a standard of no migration of certain hazardous substances.

In areas such as these, section 1006 contemplates a judgment by the Commission or DOE, as to whether the imposition of any of the provisions of the Solid Waste Disposal Act would be inconsistent with the requirements of the Atomic Energy Act.

I would hunch, Mr. President, that the instances of such inconsistency may be even more frequent than has been suggested by some of my colleagues. In fact, in the one area in which NRC and NRC licensees have examined the requirements of the Solid Waste Disposal Act in some detail—low-level radioactive waste disposal—it now appears that there are, indeed, just the kind of inconsistencies that section 1006 refers to. I would ask unanimous consent, Mr. President, to insert in the RECORD at this point, responses of the Nuclear Regulatory Commission to a series of questions on this very subject.

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

U.S., NUCLEAR
REGULATORY COMMISSION,
Washington, DC, March 16, 1984.

Hon. MORRIS K. UDALL,
Chairman, Subcommittee on Energy and the Environment, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed are our responses to the questions contained in your letter of November 29, 1983 concerning the orderly development of low-level radioactive waste disposal sites under interstate compacts.

Sincerely,

NUNZIO J. PALLADINO.

Enclosures as stated.

RESPONSES TO QUESTIONS FROM THE SUBCOMMITTEE ON ENERGY AND ENVIRONMENT, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Question 9. What are the differences in requirements between RCRA and AEA regulation of waste burial grounds which impact compliance by licensees or permittees? Can both sets of standards be complied with simultaneously? Should both sets of standards be complied with simultaneously? Please provide an analysis of specific compliance requirements, addressing at a minimum the following issues:

(A) RCRA regulation and AEA regulation require different systems for minimizing of leachate formation and groundwater contamination. Which should take precedence: EPA's requirement of synthetic liners with leachate collection and removal systems, or NRC's discouragement of leachate collection systems, emphasizing site characteristics and waste packaging?

(B) Should the treatment, storage, and disposal facilities bear responsibility for waste analysis and characterization, as is the case under RCRA, or should the generator bear this responsibility, as is the case under the AEA?

(C) Discuss how imposition of RCRA regulations on radioactive waste should be adjusted to adapt to worker exposure and environmental exposure to radiation resulting from chemical analysis, inspection and sampling through opening of containers, and pumping, treatment and redisposal of potentially contaminated leachate.

(D) Will storage permit requirements under RCRA be imposed on generators of radioactively contaminated chemicals, including hospitals, medical research facilities, and universities, which are now exempt from storage requirements for such wastes?

(E) Under the pending RCRA reauthorization, many organic wastes would be prohibited from landfill disposal. Does suitable capacity exist for treatment and disposal of affected organic wastes which are radioactively contamined.

(F) Will post-closure financial responsibility requirements be applied to radioactive wastes regulated under RCRA?

Answer. There are a number of differences in requirements between EPA and NRC waste disposal regulations which impact compliance by licensees or permittees. The differences are such that we believe it will be extremely difficult if not impossible for the two requirements to be complied with simultaneously. Since the two sets of requirements reflect differences in the types of processes generating the waste, as well as the expected physical and chemical characteristics of the waste, we do not believe that both sets of standards should be complied with simultaneously.

Before addressing the specific issues you have raised under paragraphs (A) through (F) of this question, the following background might be useful in clarifying some overall philosophical and legal differences between the two agencies, as well as some major differences in waste characteristics.

BACKGROUND

NRC has emphasized a systems approach to low-level waste disposal, including consideration of site selection, site design and operation, waste form, and disposal facility closure. In addition to focusing on disposal site performance, NRC has specified a number of requirements which must be accomplished by the waste generator, including requirements for waste form and content, waste classification, and waste manifest. This emphasis on the waste generator is possible because almost all of the activities generating low-level radioactive waste are licensed by either NRC or Agreement States. In addition, NRC's low-level waste disposal regulation, 10 CFR Part 61, in large part takes a performance objective approach, in which the overall goals of waste disposal are stated, and then considerable flexibility is maintained in how these performance objectives may be achieved. We expect that only a small number of new disposal sites will be licensed by the year 2000, and the specific manner in which a particular disposal facility will be designed and operated can be worked out for each site as part of a detailed license review application. Finally, almost all of the waste disposed of in a low-level waste site, if it were not con-

taminated with radioactivity, could be safely disposed of in a sanitary landfill. Part 61 regulations, as well as license conditions at existing operating disposal facilities, prohibit the disposal of wastes with chemically reactive or other characteristics that are generally used to identify hazardous wastes. Of the waste that contains both hazardous material and radioactive material licensed under AEA, almost all consists of scintillation liquids. These scintillation liquids are generated as part of chemical and biological research activities by hospitals and research organizations.

EPA, on the other hand, has followed a more prescriptive approach in regulating hazardous waste disposal operations, and less attention is focused on the waste generator. In this regard, it may be noted that while a waste generator must notify EPA that he is generating hazardous waste, the specific activities generating the waste are not licensed under RCRA. The overall objectives that must be achieved in hazardous waste disposal are stated, but the RCRA regulations also go on to prescribe certain site design and operation requirements that are intended to ensure that the overall objectives are met. We believe that this greater degree of prescriptiveness in meeting the EPA regulations is at least in part due to the provisions of RCRA and to the large number of hazardous waste facility permits that EPA will need to process. Less time in permit application review can be anticipated under the EPA approach. Also, Section 3004 of RCRA requires that the standards for owners and operators of waste treatment, storage and disposal facilities must, among other things, include requirements for treatment, storage or disposal "pursuant to such operating methods, techniques and practices as may be satisfactory to the Administrator."

Finally, the wastes disposed of in hazardous waste sites are much more chemically reactive than low-level waste, as well as being more difficult to characterize. These wastes may contain corrosive liquids, for example, that would be prohibited at an LLW site.

SPECIFIC ISSUES

Our responses are provided in the order given in the letter.

(A) We believe that the choice of a particular approach to minimizing leachate formation and groundwater contamination involves legal, policy, and technical considerations which differ for hazardous and low-level radioactive waste disposal. We did not participate in EPA's analysis of hazardous waste disposal and have not formed a position on EPA's use of synthetic liners and leachate detection and removal systems at hazardous waste facilities. For low-level waste disposal, however, we believe that the overall approach adopted in the Part 61 regulation is most suitable.

(B) We believe for low-level radioactive waste disposal, the waste generator should generally bear responsibility for waste analysis and characterization. This is because the waste generator has control over the process generating the waste and also because of our concerns regarding the possibility of excessive personnel exposures at low-level waste sites. For hazardous waste disposal, EPA's approach may well be the only feasible option.

(C) We do not believe that the RCRA regulations on waste chemical analysis, inspection, and sampling should be generally applied to low-level waste disposal. Neither should EPA requirements on leachate pumping and treatment. For low-level waste, we believe that waste characterization activities should generally be performed by the waste generator. Such waste characterization activities must already be carried out by waste generators, and to require disposal facility operators to perform detailed confirmatory analysis would needlessly expose site personnel to additional doses of radiation. As for leachate pumping and treatment, we would prefer to eliminate the need to do so to the extent possible.

(D) Under EPA regulations in existence and now being contemplated, permits may indeed be required by EPA for such facilities, but only for that small volume of waste which is both radioactive and chemically hazardous. We do not believe that such permit requirements should be required for disposal of waste into a low-level waste facility. The existing regulatory framework for radioactive waste management is sufficient. Suppose, however, that NRC makes a determination that a particular waste stream generated by such a facility contains so little radioactivity that it does not need to be considered as a radioactive waste. Whether or not the waste generator needs a hazardous waste permit to dispose of his waste as a non-radioactive waste is a question that should be determined by EPA.

(E) NRC would prefer that organic waste contaminated with radioactivity (e.g., liquid scintillation waste) be eliminated from low-level waste sites. NRC is encouraging alternative disposal methods methods such as incineration. Development of capacity for such alternative disposal methods will take time, however, and in the interim we believe that some land disposal capacity should be maintained. Currently, disposal of such waste essentially is restricted to low-level waste disposal sites located in extremely arid environments. This minimizes impacts while alternative disposal methods are being developed.

(F) Post-closure financial responsibility requirements exist for hazardous waste disposal facilities licensed under RCRA as well as low-level readioactive waste disposal facilities licensed under the AEA. Any radioactive waste that also contains hazardous chemicals would automatically be covered under NRC or Agreement State requirements if disposed into a licensed low-level waste disposal facility. We are uncertain what EPA may decide its statutory or policy requirements are in this area. We believe that there is no need for such facilities to also comply with the RCRA requirements.

Question 10. In general, does the NRC regulatory system of generator responsibility, reliance on packaging, 300-year stabilization, and using site characteristics as an isolation mechanism achieve EPA's goal under RCRA of elimination of contaminated leachate migration beneath the disposal facility?

Answer. Based on our experience, we do not believe that any combination of site characteristics, reasonably available techology, and good management practices can completely eliminate leachate migration for the long run. NRC does believe, however, that the regulatory system embodied in 10 CFR Part 61, including generator responsibility and reliance on packaging, waste stabilization, and site characteristics, provides a more effective long-term approach to minimizing the formation and migration of leachate from radioactive waste than a policy that relies heavily on the use of liners for burial trenches. EPA itself recognized the limitations of liners in its standards for owners and operators of hazardous waste treatment, storage and disposal facilities under RCRA, and these standards require only that such liners prevent the migration of wastes during the "active life" and subsequent closure period of a landfill (see Section 264.301(a)(1) of 40 CFR 264, *Federal Register* Vol. 47, No. 143, July 26, 1982, p. 32365). The NRC staff has not critically analyzed the synergistic effects of applying both NRC and EPA criteria control leachate migration in the long run.

EPA's approach may well be most appropriate for the wide variety of chemical wastes under its jurisdiction, and we believe liners to be effective for mill tailings ponds where leachate formation can be reduced by evaporation. For burial of the low-level radioactive wastes we regulate, however, we do not believe that liners will totally eliminate the potential for groundwater contamination. At sites located in humid environments, we have concerns that liners will contribute to the accumulation of leachate which, if not removed, will fill up the disposal cells and possibly overflow. Removal and treatment of this leachate will almost certainly involve a release of some of the contaminants to the environment.

Question 11. What obstacles exist to application of only one set of regulatory requirements by one Federal agency for disposal of radioactively contaminated chemical wastes?

Answer. The principal obstacle appears to be the need for agreement that certain waste streams are to be regulated exclusively under the Atomic Energy Act, and others are to be regulated exclusively under RCRA. Section 1006(a) of RCRA provides that "Nothing in this Act shall be construed to apply to (or authorize any State, interstate, or local authority to regulate) any activity or substance which is subject to the . . . Atomic Energy Act of 1954 . . . except to the extent that such application (or regulation) is not inconsistent with the requirements of such Acts." As we have noted in our responses to your previous questions (6., 7. and 9.), we believe regulation by EPA under RCRA of radioactively contaminated chemical wastes currently under NRC and Agreement State jurisdiction is inconsistent with our regulatory requirements established pursuant to the Atomic Energy Act. Radioactively contaminated chemical wastes regulated by NRC and Agreement States should not be regulated under RCRA. Others, such as certain scintillation and animal laboratory wastes that NRC determines not to be of NRC regulatory concern may be regulated by EPA or authorized States under RCRA without conflict with Atomic Energy Act regulation. NRC does not have jurisdiction over naturally occurring and accelerator-produced radioactive materials (NARM).

Mr. SIMPSON. Finally, Mr. President, I should like to respond to the dramatic claim that some have made that to interpret section 1006 in the fashion that I have suggested would only result in the generators of hazardous wastes mixing small amounts of nuclear materials in with their hazardous waste, in order to transform the entire waste stream into an Atomic Energy Act material exempt from RCRA. If this were indeed to take place, it would be a matter of some significant concern to me, as well

as to many others of us. Given the strict controls imposed on the use of source, special nuclear, and byproduct material, this kind of evasion of the law will simply not take place, particularly since, at some point, the generator would presumably be required to make that fact known in order to avoid regulation under RCRA. But in the event that EPA or others perceive this to be a problem, I should point out that the NRC has suggested—most recently in a July 25, 1984, letter to EPA—an approach to addressing this particular concern that appears to me to respond fully to the concerns that have been expressed. I thank you for this opportunity to clarify the CONGRESSIONAL RECORD entry of July 26, 1984, at page 21121.

METHAQUALONE USE AND SALE OUTLAWED

Mrs. HAWKINS. Mr. President, except for marijuana, methaqualone is the most abused drug among teenagers and young adults in the United States. This year, with the strong leadership of the Eckart Drug Co., legislation has been passed and signed into law which outlaws the use and sale of this hazardous narcotic.

Today, I am pleased to say that Congress has passed and the President has signed legislation to ban methaqualone. Outlawing this dangerous drug will not inconvenience legitimate users. First marketed in the United States in 1965, methaqualone was developed to relieve insomnia. It was soon discovered, however, that its effectiveness is limited; after 2 weeks of use, the body develops a resistance to its sleep-inducing effects. As a result, medical associations stopped recommending it for treatment of insomnia. Furthermore, methaqualone is considered to be an addictive drug. Other, less dangerous, therapeutic products are therefore used to treat insomnia. Nevertheless, a few clinics in major metropolitan areas now treat stress almost exclusively by prescribing this powerful, addictive, central nervous system depressant. For example, about 80 to 90 percent of all prescriptions for methaqualone in New York State last year originated in one stress clinic. And, during a 13-month period, one Miami stress clinic doled out 6,941 methaqualone prescriptions at $100 each for an income of $694,100. Usually these clinics are owned by drug entrepreneurs who have hired physicians willing to circumvent Federal law for a price.

The legislation removes methaqualone from the market by amending the Controlled Substances Act to raise it from a schedule II controlled substance to a schedule I. This change will effect a ban on the sale and use of this hazardous narcotic. It assures windfall profits by trafficking in methaqualone.

Mr. President, the need for this legislation is increasingly urgent. Nationally, emergency methaqualone abuse in 1980 brought nearly 6,000 individuals into hospital emergency rooms. We can expect this figure to be higher in 1982 unless Congress acts because more people are abusing methaqualone. The National Institute on Drug Abuse reports that use by seniors in high school grew from 8 percent in 1975 to nearly 11 percent in 1981.

Statistics released by the Dade County, FL, Medical Examiner's Department indicated that 66 deaths last year in Dade County alone were related to methaqualone use. This is more than the previous 4 years combined.

Additionally, this bill addresses the shocking problem of methaqualone related pharmacy theft. Recently, the Eckart Drug Co. has announced that many of the robberies at its 1,209 pharmacies in 15 States are committed by people seeking methaqualone.

As Senators, we have a responsibility to take action against methaqualone abuse, its associated accident deaths, and related pharmacy theft. I believe this legislation follows the examples set by the States of Florida and Georgia by outlawing the use of this dangerous narcotic.

FACTS AND OPINIONS

Mr. GOLDWATER. Mr. President, a week ago, I had the privilege of addressing the members of the Bohemian Grove. In my speech, I pointed out some of the major problems which face our country today. These problems are not insurmountable if we have the courage to face them with facts and a deep sense of appreciation of our own history. As Bernard Baruch once said, "Every man has a right to his opinion, but no man has a right to be wrong in his facts."

Mr. President, I ask unanimous consent that my speech be inserted in the RECORD for the benefit of my colleagues.

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

SPEECH OF SENATOR BARRY GOLDWATER

Gentlemen, it has been a long time since I've had the pleasure of visiting with you. In fact, it's been about twenty years. I remember at that time I told you the Grove reminded me of a foxhole in the War on Poverty and, looking around, I see no reason to change that opinion. While I'll do my best to keep politics out of my speech, you know I won't and that reminds me that I had a dear uncle who once lived in Chicago. All of his life he was a registered, hard-working Republican. However, a number of years ago he passed away and ever since, he's been a hard-working Democrat.

Normally, I do not like to use a text but this speech is of such importance to me—maybe not to you, but certainly to me—because, you see, I don't get as many chances to say what's on my mind as I did twenty years ago. I haven't been to Cuba lately to get anybody released and I have no intentions of going to Russia for the same purpose, so I'll try to stay with what I have written because of its importance to me.

In a serious vein, there are several threats that I wish to discuss with you today relative to our country, America. Some of the danger points I can see hovering in the distance and some quite a bit closer. The end result of these troubles will not be just the normal ups-and-downs such as we go through in our periodic recessions or economic adjustments or even during periods of war and the ensuing peace. These threats that face us, in my humble opinion, could well cause the end to the full pursuit of freedom in what we call a democratic republic. Let me start by quoting one of our greatest Americans.

"At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some transatlantic military giant, to step the ocean, and crush us at a blow? Never!

"All the armies of Europe, Asia and Africa combined . . . could not by force take a drink from the Ohio, or make a track on the Blue Ridge, in a trail of a thousand years.

"At what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time, or die by suicide."

Those words, spoken by Abraham Lincoln, are as valid today as they were 146 years ago. And yet, I have the feeling that Lincoln's prophesy is on the verge of being borne out.

Part of my fears are based on the fact that our Nation is eyeball-to-eyeball with a debt of calamitous proportions but, our combined leadership has blinked. Driven by exhortations of special interest groups, our political leaders continue to maintain their "business as usual" approach to our economic problems. The clear evidence of this is that the second session of this Congress has been meeting for almost six months and we have yet to accomplish anything meaningful. Oh yes, there have been speeches and votes but what are they? Window dressing would be a charitable description! In reality, the constructive work of Congress and the Administration has been set aside for the time being. Indeed, the whole process has become so totally involved in the reelection process madness that everything being said and done is for political purposes.

While the sea of red ink is engulfing us, the special interest groups and their allies continue to demand and receive federal money for narrow, vested reasons. And, let me remind you, that federal money is taxpayers' dollars which has been entrusted to us to "promote the common welfare." We, most certainly, are not promoting the common welfare if we allow the rising deficit tide to destroy the homes, savings and investments of the working men and women of this nation.

The worst part of all this is the blatant hypocrisy of those people who constantly cry, "cut the defense budget." While this approach has a certain amount of appeal for some people, just what does it mean? Let us say that we will eliminate all tactical aircraft. By that I mean everything from our fighters to our helicopters to AWACS. By doing so, we could cut about $17.8 billion from the overall budget. To do so, would

only equal the amount that we will spend on the various veterans' entitlement programs. But, let us take this defense cutting another step farther. If we would take all of the top 50 defense programs and completely eliminate them for three years we would save $182.3 billion, which is less than what we will pay for Social Security and Railroad Retirement in one year.

While I agree that the defense budget could and can be cut in some areas, nevertheless, it is still irritating to watch the maneuvering and manipulation that goes on in committees and on the Floor. As an example, every time it is suggested that a military base be closed and its functions consolidated, the erstwhile "budget cutters" are the first ones to ignore the fact that the consolidation would save billions of dollars and demand that these bases remain open because they are in their back yard.

On top of this, these same "budget cutters" are the ones who would ignore competitive bidding if a chosen weapon is made in their district and they are the same ones who have maintained military product lines well beyond any reasonable useful life. They are, as Milton and Rose Friedman so accurately describe them, members of the "Iron Triangle" of politicians, bureaucrats and lobbyists who have a vested interest in the current system and are successful at stonewalling any changes. They are so successful that we now have laws, rules, regulations, agencies and bureaucracies floating around and spending taxpayer dollars that last had a useful purpose when buggy whips were in style.

As a result of these special interest groups, both inside and outside of government, one of our major problems has been our inability to come to grips with the various "entitlement" programs. These are the programs enacted into law which have open-ended funding automatically built into them. Examples of these would be Social Security, Railroad Retirement, Federal Retirement and Disability, Medicare and Medicaid and many others. The plain fact is that Social Security will take up twenty percent of the Federal budget this year and there is no end in sight to its upper limits. Combining Social Security with Railroad Retirement will end up costing us $190 billion this year alone! All told, the entitlement programs will cost us $423 billion this year. Yet, I defy anyone to point out one of our political leaders who has had the courage to stand up and ask for some limits to this unending, open checkbook. If there is one, I'll assure you that he won't last long in Washington.

The litany of wasted-dollar horror stories march through every department, agency and bureau of our Government. If we have the political courage to stop this waste, there are two approaches which will help stop our economic decline, one short-term and one long-term.

The short-term solution would be to institute a budget freeze which would allow only enough growth to cover the cost of inflation. During this freeze period, Congress and the Administration would gain time to review and analyze each and every program. During this review, the main question which must be asked is, "Does this program represent something that is absolutely essential to the welfare of our country or is it, in effect, a luxury that can be postponed to a later date?" If we have the willingness to face these questions openly and honestly without bowing to special interest group pressure, we will have come a long way toward ridding ourselves of the monstrous burden of the Federal deficit.

I have pleaded with the last four Presidents to come to grips with this obvious major financial problem and admit it to the American people: We are in a welfare state. And, unfortunately, no nation in history has ever returned, once they have embarked on that path. I'm not standing here today and telling you that we can't get back. I want the President to talk to the American people and outline to them the problems of the welfare state. Then, we must engage in an academic, political and business approach to this whole thing to see if there might be solutions that other nations have never been able to find to solve the financial problems of the welfare state.

I'm not saying that it can be done and I'm not saying that it can't be done. But, I can tell you here in this beautiful grove—the beautiful thing we have called America for over two hundred years is threatened when nearly fifty percent of the people have to work their heads off to support the other fifty percent. Again, maybe it can be done and maybe there is a way. However, to this point, the answers have escaped my inadequate mind. Simply put, I would like to see our President ask this question of the best brains in the country to see what we might come up with to avert the impending disaster.

If we have the courage to take these steps, we may prevent some future historian from writing the book "The Rise and Fall of the American Democracy." If not, our Nation is staggering toward the precipice of a world disaster which will make the Depression of the 1920's and 1930's look like a Sunday School picnic. In 1928, the Kreditenstalt Bank of Austria had its failure which created a "ripple effect" throughout the world's economy. Fortunately, at that time, the world's currency and monetary instruments were not as intertwined and interlocked as they are today. And yet, for those of us old enough to remember, the ultimate effect on the United States was one of tragic proportions. Yet, in today's climate of meshed economies and the fact that other nations adjust their currencies to match ours, the coming bankruptcy of our country will have an Armageddon-like effect upon the world.

Again, it will take extreme political courage for our elected officials to withstand the siren calls of special interest groups who can muster the votes.

One other matter that has been bothering me for quite a few years is the question of what is wrong with American foreign policy. There is something wrong with it. There's something wrong when just plain, simple solutions and ordinary analysis cannot help us set aside the false stops and starts in our foreign relations. There is no question that Vietnam—with the determination of our Presidents and Secretaries of Defense and other civilians in Washington to attempt to run that war—was a war that ended in disaster for the United States. Vietnam was a war which could have been won in a matter of weeks had military doctrine been allowed to be applied and it was a war, whether you like it or not, that was proper for the United States to be engaged in.

I can well understand the frustrations and the anger of those men who marched off to war, as millions of others have marched off to war, to defend the principles and freedom of our country, but who were not allowed to win a war. They were told, in effect, don't shoot back, don't destroy this portion of the enemy's forces. Our whole tactics were governed by rules of engagement, books stupidly written by civilians in Washington as to how the war should be conducted. As a result of that experience, these brave young men—just as brave as we've ever had in any war—came home disillusioned and it is only now that we are seeing this disillusionment beginning to disappear. It is only now that we are beginning to see patriotism born again in the hearts of our young people still in grade schools and high schools.

Unfortunately, as a result of this disillusionment, we again had politics injected into foreign policy, not just with a little gesture, but with all four feet. A number of years ago, men that I feel were well-intentioned but who were also perfectly willing, set aside the concepts of the Constitution so that the Congress could gain control of foreign policy. Deciding not to leave it vested with the President, Congress enacted the "so-called" War Powers Act.

Clearly, the Constitution designates the President as the Commander-in-Chief of the forces and it is only he who can call out the troops. Yes, the Congress can declare war. They can declare a war every five minutes but no troops will go anyplace. Do you realize that in the two hundred plus years of our history, our troops have been called up for one reason or another over two hundred times with Congress declaring war in only five of the cases and two of those declarations were in one war.

The Congress, through advice and consent powers, does have a hand in foreign policy. They can advise the President that they like or dislike his foreign policy or they can withhold funds for the enactment of that foreign policy. And yet, even now, the President is saddled with the War Powers Act. If I were an enemy of the United States I can not think of a better arrangement to win a war against the United States than by having the President call the troops out, which he can still do under the War Powers Act, and then within sixty days have the Congress decide whether or not he must call them back. If you do not think I, as an enemy, wouldn't muster all publicity lanes in this country to excite American thinking in order that the Congress would be influenced to tell the President the war is over, then I am wrong.

I want to state flatly what I've said before, I've said it to Presidents; "This nation no longer can afford the War Powers Act." If we took the action in Congress to strip our books of that ill-advised law, our foreign policy immediately would begin to have a different affect upon this world than it does now. As a consequence of all this, what is happening in America is the rebuilding of a Fortress America. We hear constant speeches on the floor of the Senate and the House exhorting, in effect, our President to withhold forces from any part of the world, even though all the principles of America—the principles of freedom and justice and the principles of human rights—are being abused daily before our eyes.

Harken back to the Democratic primaries that have just been ended. And, I don't pick the Democrats out especially, only we saw them in action for many months while the Republican side did not have to have any primaries. All of the candidates were saying, "keep our troops at home; don't answer any threats; let Central America go down the drain, it's of no importance."

Well, I can tell you gentleman, it's of great importance to those of us who live along the Mexican border which is only 800

miles from Central America. It's important because where do you think the next target of aggression will be? If my hunch is right, in all probability, Mexico. I hope the President, in his coming campaign, will talk about the way the Congress is hamstringing his efforts to conduct foreign policy around this world. I hope, yes, I pray, that he will point out to the American people the dire consequences of tying the President's hand, whoever he might be, in the formulation and conduct of foreign policy. United States foreign policy is one that should and will protect the basic individual freedoms that are the only reason that God ever advanced for our being on Earth.

In closing, let me remind you that we all are in this together. If one of us fails to do our individual best, the whole fabric of our "Noble Experiment" will begin to unravel. Over two hundred years ago our Founding Fathers pledged "their lives, their fortunes and their sacred honor" to establish a nation of free men and women. Since that time, our fathers and grandfathers, and their fathers before them have been called upon to redeem that pledge. It would be the worst of all sins if we broke faith with our own heritage in order to take the easy way out. And, let me remind you that nowhere in the Declaration of Independence, the Constitution or the Bill of Rights are there any guarantees.

As our Forefathers knew, our God-given freedoms are precious items which must be defended constantly whether from external aggression or internal disintegration. Each one of us has the duty and responsibility to "protect and defend the Constitution of the United States" whether we are public officials, the corner grocer, a union leader or a businessman. And, if we can remember to maintain our goal of the best interests of the country instead of narrow, parochial self interest, we will have come a long way toward facing and defeating the problems I have described.

TRIBUTE TO CARL D. PERKINS

Mr. PELL. Mr. President, I was deeply grieved to learn last Friday of the passing of my friend and colleague, Representative CARL D. PERKINS, the chairman of the House Education and Labor Committee.

I had the honor of working and chairing conferences with CARL PERKINS for almost 15 years, primarily in conferences between the House and Senate on virtually every aspect of Federal aid to education. Over the course of those years and meetings, I developed a profound respect for Chairman PERKINS.

CARL PERKINS was a rare individual. He held deep personal convictions that this Government should be a positive instrument of help to the less fortunate in our society. But perhaps even more important, he had the talent to translate those convictions into action, and to actually do something for those who were powerless and needed our Government's help.

There is not a piece of elementary, secondary, and vocational education legislation that does not bear the imprint of CARL PERKINS. All were his children. And just like a caring and devoted parent, CARL PERKINS not only brought those programs into being but also nurtured, perfected, and protected them.

There is no question that CARL PERKINS was a strong leader in his capacity as chairman of the Education and Labor Committee. The list is long of those who took him on and lost. His strength was often seen in his patience and his willingness to outsit his adversaries. On more than one occasion, I saw him keep a conference going until he got his way by simply outlasting his opponents, by exhausting them.

CARL PERKINS sought and used power not for personal aggrandizement, but for the public good. Millions of young Americans owe their education to CARL PERKINS. All but a handful will never realize that. Yet, I have a very real feeling that is how CARL PERKINS would have wanted it. He did things because they were the right thing to do, because he believed in them, and not because they would bring him headlines or personal honor. To do them was enough.

Mr. President, we shall miss CARL PERKINS. As I said in a letter to Mrs. Perkins, he was a remarkable person, a superb legislator, and a true gentleman. It was a privilege to have known and worked with him.

PENSION PROTECTION FOR AT&T-BELL SYSTEM EMPLOYEES

Mr. PRYOR. Mr. President, I want to commend the House and Senate conferees on the Deficit Reduction Act, H.R. 4170, for their inclusion of important language in that bill to provide pension portability to employees of the AT&T-Bell System who might have otherwise lost accrued benefits as a result of the divestiture of AT&T. These employees have understandably been concerned that their benefits could be in jeopardy without specific congressional action, but this concern was addressed as the House and Senate approved H.R. 4170 during the final week of June.

My colleagues may recall that this problem was initially dealt with in S. 1660, the Universal Telephone Service Preservation Act, and the Communication Workers of America [CWA] supported that bill. On January 26, as the Senate debated whether to go to the consideration of S. 1660, I joined several of my colleagues on the Senate floor in speaking out about this situation. Although that day the Senate elected not to go to the consideration of the telephone legislation on a procedural vote—I voted in favor of proceeding to that bill—commitments were made by a number of Senators that this issue would be resolved through some other legislative vehicle.

In efforts to protect these employees' earned benefits, I joined with Senators PACKWOOD and HOLLINGS in urging the Senate to address the matter with independent legislation which had been endorsed by the CWA, AT&T, and the Bell Operating Cos. Although this legislation was never introduced, the language in it was incorporated into the Senate version of the Deficit Reduction Act, H.R. 2163. Although the House had no comparable language in its version of the bill, I was pleased that the conferees saw the need to include it in the conference report which Congress subsequently approved.

Mr. President, the divestiture of AT&T is having, and will continue to have, a profound impact on our Nation. Although Congress has not taken any major legislative action to modify the Federal Communications Commission's implementation of the Justice Department-mandated and court-ordered breakup, some action may be necessary in the future. I am pleased, however, that Congress acted to assure that employees who have spent years within the AT&T-Bell System will retain the important rights and benefits which they have earned.

PROMPT PAYMENT ACT

Mr. PRYOR. Mr. President, it is with a great deal of satisfaction that I review the results of congressional action during the 97th Congress to address the problem of late payments by the Government to suppliers of goods and services. I'm referring to the Prompt Payment Act, now Public Law 97-177, which I worked on and cosponsored, and has forced the Federal Government to pay its bills in a timely fashion.

Since the enactment of this important legislation, Federal agencies have been compelled to pay their bills within 30 days or pay interest on unpaid charges. It has forced Government agencies to get their bill paying procedures in order and has vastly improved the private sector's perception of the Federal Government as a business partner.

It is therefore clear that the Federal Government in general has benefitted as a direct result of this law. In addition, and of extreme importance to me, is the positive impact the law has had on small businesses across our Nation. These businesses have neither the resources nor the time to pursue Uncle Sam when he fails to act in a responsible manner with regard to bill payment. But this critical problem has been greatly alleviated, since the Office of Management and Budget [OMB] has reported that Federal agencies are now paying 99 percent of their bills on time, up from totally unacceptable levels of 60 percent in 1979.

Mr. President, I should note that there are currently 35 prompt pay

laws incorporated into State law, and support in other States is growing. It is gratifying to me that both the Federal and State governments have recognized the need for movement in this direction. It is my firm belief that business and Government will share equally in the economic benefits that can be realized from prompt payment.

Finally, I want to say that the work of many of my colleagues, the small business community and the Prompt Pay Coalition—under the tremendous leadership of Mr. Kenton Pattie—was instrumental in the success of this long overdue measure. I commend all these individuals for their commitment to good government.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RETIREMENT EQUITY ACT OF 1984

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4280.

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

The legislative clerk read as follows:

A bill (H.R. 4280) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment to strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retirement Equity Act of 1984".

TITLE I—AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 101. AMENDMENT OF ERISA.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Employee Retirement Income Security Act of 1974.

SEC. 102. MODIFICATIONS OF MINIMUM PARTICIPATION AND VESTING STANDARDS.

(a) AGE LIMITATION FOR MINIMUM PARTICIPATION STANDARDS LOWERED FROM AGE 25 TO AGE 21.—

(1) IN GENERAL.—Clause (i) of section 202(a)(1)(A) (29 U.S.C. 1052(a)(1)(A)(i)) is amended by striking out "25" and inserting in lieu thereof "21".

(2) SPECIAL RULE FOR CERTAIN PLANS.—Clause (ii) of section 202(a)(1)(B) (29 U.S.C. 1052(a)(1)(B)(ii)) is amended by striking out "'30' for '25'" and inserting in lieu thereof "'26' for '21'".

(b) YEARS OF SERVICE AFTER AGE 18 (INSTEAD OF AGE 22) TAKEN INTO ACCOUNT FOR DETERMINING NONFORFEITABLE PERCENTAGE.—Subparagraph (A) of section 203(b)(1) (29 U.S.C. 1053(b)(1)(A)) is amended by striking out "22" and inserting in lieu thereof "18".

(c) BREAK IN SERVICE FOR VESTING UNDER INDIVIDUAL ACCOUNT PLANS.—Subparagraph (C) of section 203(b)(3) (29 U.S.C. 1053(b)(3)(C)) is amended—

(1) by striking out "any 1-year break in service" and inserting in lieu thereof "5 consecutive 1-year breaks in service", and

(2) by striking out "such break" each place it appears and inserting in lieu thereof "such 5-year period".

(d) RULE OF PARITY FOR NONVESTED PARTICIPANTS TO BE APPLIED ONLY IF BREAK IN SERVICE EXCEEDS 5 YEARS.—

(1) MINIMUM PARTICIPATION STANDARDS.—Paragraph (4) of section 202(b) (29 U.S.C. 1052(b)(4)) is amended to read as follows:

"(4)(A) For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account in computing the period of service if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(i) 5, or

"(ii) the aggregate number of years of service before such period.

"(B) If any years of service are not required to be taken into account by reason of a period of breaks in service to which subparagraph (A) applies, such years of service shall not be taken into account in applying subparagraph (A) to a subsequent period of breaks in service.

"(C) For purposes of subparagraph (A), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions.".

(2) MINIMUM VESTING STANDARDS.—Subparagraph (D) of section 203(b)(3) (29 U.S.C. 1053(b)(3)(D)) is amended to read as follows:

"(D)(i) For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(I) 5, or

"(II) the aggregate number of years of service before such period.

"(ii) If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

"(iii) For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions.".

(e) CERTAIN MATERNITY OR PATERNITY ABSENCES NOT TREATED AS BREAKS IN SERVICE.—

(1) MINIMUM PARTICIPATION STANDARDS.—Subsection (b) of section 202 (29 U.S.C. 1052(b)) is amended by adding at the end thereof the following new paragraph:

"(5)(A) In the case of each individual who is absent from work for any period—

"(i) by reason of the pregnancy of the individual,

"(ii) by reason of the birth of a child of the individual,

"(iii) by reason of the placement of a child with the individual in connection with the adoption of such child by such individual, or

"(iv) for purposes of caring for such child for a period beginning immediately following such birth or placement,

the plan shall treat as hours of service, solely for purposes of determining under this subsection whether a 1-year break in service (as defined in section 203(b)(3)(A)) has occurred, the hours described in subparagraph (B).

"(B) The hours described in this subparagraph are—

"(i) the hours of service which otherwise would normally have been credited to such individual but for such absence, or

"(ii) in any case in which the plan is unable to determine the hours described in clause (i), 8 hours of service per day of such absence,

except that the total number of hours treated as hours of service under this subparagraph by reason of any such pregnancy or placement shall not exceed 501 hours.

"(C) The hours described in subparagraph (B) shall be treated as hours of service as provided in this paragraph—

"(i) only in the year in which the absence from work begins, if a participant would be prevented from incurring a 1-year break in service in such year solely because the period of absence is treated as hours of service as provided in subparagraph (A); or

"(ii) in any other case, in the immediately following year.

"(D) For purposes of this paragraph, the term 'year' means the period used in computations pursuant to section 202(a)(3)(A).

"(E) A plan may provide that no credit will be given pursuant to this paragraph unless the individual furnishes to the plan administrator such timely information as the plan may reasonably require to establish—

"(i) that the absence from work is for reasons referred to in subparagraph (A), and

"(ii) the number of days for which there was such an absence."

(2) MINIMUM VESTING STANDARDS.—Section 203(b)(3) (29 U.S.C. 1053(b)(3)) is amended by adding at the end thereof the following new subparagraph:

"(E)(i) In the case of each individual who is absent from work for any period—

"(I) by reason of the pregnancy of the individual,

"(II) by reason of the birth of a child of the individual,

"(III) by reason of the placement of a child with the individual in connection with the

adoption of such child by such individual, or

"(IV) for purposes of caring for such child for a period beginning immediately following such birth or placement,

the plan shall treat as hours of service, solely for purposes of determining under this paragraph whether a 1-year break in service has occurred, the hours described in clause (ii).

"(ii) The hours described in this clause are—

"(I) the hours of service which otherwise would normally have been credited to such individual but for such absence, or

"(II) in any case in which the plan is unable to determine the hours described in subclause (I), 8 hours of service per day of absence,

except that the total number of hours treated as hours of service under this clause by reason of such pregnancy or placement shall not exceed 501 hours.

"(iii) The hours described in clause (ii) shall be treated as hours of service as provided in this subparagraph—

"(I) only in the year in which the absence from work begins, if a participant would be prevented from incurring a 1-year break in service in such year solely because the period of absence is treated as hours of service as provided in clause (i); or

"(II) in any other case, in the immediately following year.

"(iv) For purposes of this subparagraph, the term 'year' means the period used in computations pursuant to paragraph (2).

"(v) A plan may provide that no credit will be given pursuant to this subparagraph unless the individual furnishes to the plan administrator such timely information as the plan may reasonably require to establish—

"(I) that the absence from work is for reasons referred to in clause (i), and

"(II) the number of days for which there was such an absence.".

(3) ABSENCES DISREGARDED FOR PURPOSES OF ACCRUED BENEFIT REQUIREMENTS.—Subparagraph (A) of section 204(b)(3) (29 U.S.C. 1054(b)(3)(A)) is amended by inserting ", determined without regard to section 202(b)(5)" after "section 202(b)".

(f) APPLICATION OF BREAK IN SERVICE RULES TO ACCRUED BENEFITS.—Subsection (e) of section 204 (29 U.S.C. 1054 (e)) is amended by striking out "any 1-year break in service" and inserting in lieu thereof "5 consecutive 1-year breaks in service".

SEC. 103. REQUIREMENT OF JOINT AND SURVIVOR ANNUITIES AND PRERETIREMENT SURVIVOR ANNUITIES.

(a) GENERAL RULE.—Section 205 (29 U.S.C. 1055) is amended to read as follows:

"REQUIREMENT OF JOINT AND SURVIVOR ANNUITY AND PRERETIREMENT SURVIVOR ANNUITY

"SEC. 205. (a) Each pension plan to which this section applies shall provide that—

"(1) in the case of a vested participant who retires under the plan, the accrued benefit payable to such participant shall be provided in the form of a qualified joint and survivor annuity, and

"(2) in the case of a vested participant who dies before the annuity starting date and who has a surviving spouse, a qualified preretirement survivor annuity shall be provided to the surviving spouse of such participant.

"(b)(1) This section shall apply to—

"(A) any defined benefit plan,

"(B) any individual account plan which is subject to the funding standards of section 302, and

"(C) any participant under any other individual account plan unless—

"(i) such plan provides that the participant's nonforfeitable accrued benefit is payable in full, on the death of the participant, to the participant's surviving spouse (or, if there is no surviving spouse or the surviving spouse consents in the manner required under subsection (c)(2)(A), to a designated beneficiary),

"(ii) such participant does not elect the payment of benefits in the form of a life annuity, and

"(iii) with respect to such participant, such plan is not a transferee of a plan which is described in subparagraph (A) or (B) or to which this clause applied with respect to the participant.

"(2)(A) In the case of—

"(i) a tax credit employee stock ownership plan (as defined in section 409(a) of the Internal Revenue Code of 1954), or

"(ii) an employee stock ownership plan (as defined in section 4975(e)(7) of such Code),

subsection (a) shall not apply to that portion of the employee's accrued benefit to which the requirements of section 409(h) of such Code apply.

"(B) Subparagraph (A) shall not apply with respect to any participant unless the requirements of clause (i), (ii), and (iii) of paragraph (1)(C) are met with respect to such participant.

"(c)(1) A plan meets the requirements of this section only if—

"(A) under the plan, each participant—

"(i) may elect at any time during the applicable election period to waive the qualified joint and survivor annuity form of benefit or the qualified preretirement survivor annuity form of benefit (or both), and

"(ii) may revoke any such election at any time during the applicable election period, and

"(B) the plan meets the requirements of paragraphs (2) and (3).

"(2) Each plan shall provide that an election under paragraph (1)(A)(i) shall not take effect unless—

"(A) the spouse of the participant consents in writing to such election, and the spouse's consent acknowledges the effect of such election and is witnessed by a plan representative or a notary public, or

"(B) it is established to the satisfaction of a plan representative that the consent required under subparagraph (A) may not be obtained because there is no spouse, because the spouse cannot be located, or because of such other circumstances as the Secretary of the Treasury may by regulations prescribe.

Any consent by a spouse (or establishment that the consent of a spouse may not be obtained) under the preceding sentence shall be effective only with respect to such spouse.

"(3)(A) Each plan shall provide to each participant, within a reasonable period of time before the annuity starting date (and consistent with such regulations as the Secretary of the Treasury may prescribe) a written explanation of—

"(i) the terms and conditions of the qualified joint and survivor annuity,

"(ii) the participant's right to make, and the effect of, an election under paragraph (1) to waive the joint and survivor annuity form of benefit,

"(iii) the rights of the participant's spouse under paragraph (2), and

"(iv) the right to make, and the effect of, a revocation of an election under paragraph (1).

"(B) Each plan shall provide to each participant, within the period beginning with the first day of the plan year in which the participant attains age 32 and ending with the close of the plan year preceding the plan year in which the participant attains age 35 (and consistent with such regulations as the Secretary of the Treasury may prescribe), a written explanation with respect to the qualified preretirement survivor annuity comparable to that required under subparagraph (A).

"(4)(A) The requirements of this subsection shall not apply with respect to the qualified joint and survivor annuity form of benefit or the qualified preretirement survivor annuity form of benefit, as the case may be, if the plan fully subsidizes the costs of such benefit.

"(B) For purposes of subparagraph (A), a plan fully subsidizes the costs of a benefit if under the plan the failure to waive such benefit by a participant would not result in a decrease in any plan benefits with respect to such participant and would not result in increased contributions from such participant.

"(5) If a plan fiduciary acts in accordance with part 4 of this subtitle in—

"(A) relying on a consent or revocation referred to in paragraph (1)(A), or

"(B) making a determination under paragraph (2),

then such consent, revocation, or determination shall be treated as valid for purposes of discharging the plan from liability to the extent of payments made pursuant to such act.

"(6) For purposes of this subsection, the term 'applicable election period' means—

"(A) in the case of an election to waive the qualified joint and survivor annuity form of benefit, the 90-day period ending on the annuity starting date, or

"(B) in the case of an election to waive the qualified preretirement survivor annuity, the period which begins on the first day of the plan year in which the participant attains age 35 and ends on the date of the participant's death.

In the case of a participant who is separated from service, the applicable election period under subparagraph (B) with respect to benefits accrued before the date of such separation from service shall not begin later than such date.

"(d) For purposes of this section, the term 'qualified joint and survivor annuity' means an annuity—

"(1) for the life of the participant with a survivor annuity for the life of the spouse which is not less than 50 percent of (and is not greater than 100 percent of) the amount of the annuity which is payable during the joint lives of the participant and the spouse, and

"(2) which is the actuarial equivalent of a single annuity for the life of the participant.

Such term also includes any annuity in a form having the effect of an annuity described in the preceding sentence.

"(e) For purposes of this section—

"(1) Except as provided in paragraph (2), the term 'qualified preretirement survivor annuity' means a survivor annuity for the life of the surviving spouse of the participant if—

"(A) the payments to the surviving spouse under such annuity are not less than the amounts which would be payable as a survivor annuity under the qualified joint and survivor annuity under the plan (or the actuarial equivalent thereof) if—

"(i) in the case of a participant who dies after the date on which the participant attained the earliest retirement age, such participant had retired with an immediate

qualified joint and survivor annuity on the day before the participant's date of death, or

"(ii) in the case of a participant who dies on or before the date on which the participant would have attained the earliest retirement age, such participant had—

"(I) separated from service on the date of death,

"(II) survived to the earliest retirement age,

"(III) retired with an immediate qualified joint and survivor annuity at the earliest retirement age, and

"(IV) died on the day after the day on which such participant would have attained the earliest retirement age, and

"(B) under the plan, the earliest period for which the surviving spouse may receive a payment under such annuity is not later than the month in which the participant would have attained the earliest retirement age under the plan.

"(2) In the case of any individual account plan or participant described in subparagraph (B) or (C) of subsection (b)(1), the term 'qualified preretirement survivor annuity' means an annuity for the life of the surviving spouse the actuarial equivalent of which is not less than 50 percent of the account balance of the participant as of the date of death.

"(f)(1) Except as provided in paragraph (2), a plan may provide that a qualified joint and survivor annuity (or a qualified preretirement survivor annuity) will not be provided unless the participant and spouse had been married throughout the 1-year period ending on the earlier of—

"(A) the participant's annuity starting date, or

"(B) the date of the participant's death,

"(2) For purposes of paragraph (1), if—

"(A) a participant marries within 1 year before the annuity starting date, and

"(B) the participant and the participant's spouse in such marriage have been married for at least a 1-year period ending on or before the date of the participant's death,

such participant and such spouse shall be treated as having been married throughout the 1-year period ending on the participant's annuity starting date.

"(g)(1) A plan may provide that the present value of a qualified joint and survivor annuity or a qualified preretirement survivor annuity will be immediately distributed if such value does not exceed $3,500. No distribution may be made under the preceding sentence after the annuity starting date unless the participant and the spouse of the participant (or where the participant has died, the surviving spouse) consent in writing to such distribution.

"(2) If—

"(A) the present value of the qualified joint and survivor annuity or the qualified preretirement survivor annuity exceeds $3,500, and

"(B) the participant and the spouse of the participant (or where the participant has died, the surviving spouse) consent in writing to the distribution,

the plan may immediately distribute the present value of such annuity.

"(3) For purposes of paragraphs (1) and (2), the present value of a qualified joint and survivor annuity or a qualified preretirement survivor annuity shall be determined as of the date of the distribution and by using an interest rate not greater than the interest rate which would be used (as of the date of the distribution) by the Pension Benefit Guaranty Corporation for purposes of determining the present value of a lump sum distribution on plan termination.

"(h) For purposes of this section—

"(1) the term 'vested participant' means any participant who has a nonforfeitable right (within the meaning of section 3(19)) to any portion of the accrued benefit derived from employer contributions,

"(2) the term 'annuity starting date' means the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or disability), and

"(3) the term 'earliest retirement age' means the earliest date on which, under the plan, the participant could elect to receive retirement benefits.

"(i) A plan may take into account in any equitable manner (as determined by the Secretary of the Treasury) any increased costs resulting from providing a qualified joint or survivor annuity or a qualified preretirement survivor annuity.

"(j) In prescribing regulations under this section, the Secretary of the Treasury shall consult with the Secretary of Labor.".

"(b) CLERICAL AMENDMENT.—The table of contents in section 1 is amended by striking out the item relating to section 205 and inserting in lieu thereof the following new item:

"Sec. 205. Requirement of joint and survivor annuity and preretirement survivor annuity.".

SEC. 104. SPECIAL RULES FOR ASSIGNMENTS IN DIVORCE, ETC., PROCEEDINGS.

(a) IN GENERAL.—Section 206(d) (29 U.S.C. 1056(d)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) Paragraph (1) shall apply to the creation, assignment, or recognition of a right to any benefit payable with respect to a participant pursuant to a domestic relations order, except that paragraph (1) shall not apply if the order is determined to be a qualified domestic relations order. Each pension plan shall provide for the payment of benefits in accordance with the applicable requirements of any qualified domestic relations order.

"(B) For purposes of this paragraph—

"(i) the term 'qualified domestic relations order' means a domestic relations order—

"(I) which creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a participant under a plan, and

"(II) with respect to which the requirements of subparagraphs (C) and (D) are met, and

"(ii) the term 'domestic relations order' means any judgment, decree, or order (including approval of a property settlement agreement) which—

"(I) relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a participant, and

"(II) is made pursuant to a State domestic relations law (including a community property law).

"(C) A domestic relations order meets the requirements of this subparagraph only if such order clearly specifies—

"(i) the name and the last known mailing address (if any) of the participant and the name and mailing address of each alternate payee covered by the order,

"(ii) the amount or percentage of the participant's benefits to be paid by the plan to each such alternate payee, or the manner in which such amount or percentage is to be determined,

"(iii) the number of payments or period to which such order applies, and

"(iv) each plan to which such order applies.

"(D) A domestic relations order meets the requirements of this subparagraph only if such order—

"(i) does not require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan,

"(ii) does not require the plan to provide increased benefits (determined on the basis of actuarial value), and

"(iii) does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

"(E)(i) In the case of any payment before a participant has separated from service, a domestic relations order shall not be treated as failing to meet the requirements of clause (i) of subparagraph (D) solely because such order requires that payment of benefits be made to an alternate payee—

"(I) on or after the date on which the participant attains (or would have attained) the earliest retirement age,

"(II) as if the participant had retired on the date on which such payment is to begin under such order (but taking into account only the present value of benefits actually accrued and not taking into account the present value of any employer subsidy for early retirement), and

"(III) in any form in which such benefits may be paid under the plan to the participant (other than in the form of a joint and survivor annuity with respect to the alternate payee and his or her subsequent spouse).

For purposes of subclause (II), the interest rate assumption used in determining the present value shall be the interest rate specified in the plan or, if no rate is specified, 5 percent.

"(ii) For purposes of this subparagraph, the term 'earliest retirement age' has the meaning given such term by section 205(h)(3), except that in the case of any individual account plan, the earliest retirement age shall be the date which is 10 years before the normal retirement age.

"(F) To the extent provided in any qualified domestic relations order—

"(i) the former spouse of a participant shall be treated as a surviving spouse of such participant for purposes of section 205, and

"(ii) if married for at least 1 year, the former spouse shall be treated as meeting the requirements of section 205(f).

"(G)(i) In the case of any domestic relations order received by a plan—

"(I) the plan administrator shall promptly notify the participant and any other alternate payee of the receipt of such order and the plan's procedures for determining the qualified status of domestic relations orders, and

"(II) within a reasonable period after receipt of such order, the plan administrator shall determine whether such order is a qualified domestic relations order and notify the participant and each alternate payee of such determination.

"(ii) Each plan shall establish reasonable procedures to determine the qualified status of domestic relations orders and to administer distributions under such qualified orders. Such procedures—

"(I) shall be in writing,

"(II) shall provide for the notification of each person specified in a domestic relations order as entitled to payment of bene-

fits under the plan (at the address included in the domestic relations order) of such procedures promptly upon receipt by the plan of the domestic relations order, and

"(III) shall permit an alternate payee to designate a representative for receipt of copies of notices that are sent to the alternate payee with respect to a domestic relations order.

"(H)(i) During any period in which the issue of whether a domestic relations order is a qualified domestic relations order is being determined (by the plan administrator, by a court of competent jurisdiction, or otherwise), the plan administrator shall segregate in a separate account in the plan or in an escrow account the amounts which would have been payable to the alternate payee during such period if the order had been determined to be a qualified domestic relations order.

"(ii) If within 18 months the order (or modification thereof) is determined to be a qualified domestic relations order, the plan administrator shall pay the segregated amounts (plus any interest thereon) to the person or persons entitled thereto.

"(iii) If within 18 months—

"(I) it is determined that the order is not a qualified domestic relations order, or

"(II) the issue as to whether such order is a qualified domestic relations order is not resolved,

then the plan administrator shall pay the segregated amounts (plus any interest thereon) to the person or persons who would have been entitled to such amounts if there had been no order.

"(iv) Any determination that an order is a qualified domestic relations order which is made after the close of the 18-month period shall be applied prospectively only.

"(I) If a plan fiduciary acts in accordance with part 4 of this subtitle in—

"(i) treating a domestic relations order as being (or not being) a qualified domestic relations order, or

"(ii) taking action under subparagraph (H),

then the plan's obligation to the participant and each alternate payee shall be discharged to the extent of any payment made pursuant to such act.

"(J) A person who is an alternate payee under a qualified domestic relations order shall be considered for purposes of any provision of this Act a beneficiary under the plan. Nothing in the preceding sentence shall permit a requirement under section 4001 of the payment of more than 1 premium with respect to a participant for any period.

"(K) The term 'alternate payee' means any spouse, former spouse, child, or other dependent of a participant who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under a plan with respect to such participant.

"(L) In prescribing regulations under this paragraph, the Secretary shall consult with the Secretary of the Treasury.".

(b) CLARIFICATION OF PREEMPTION PROVISION.—Subsection (b) of section 514 (29 U.S.C. 1144(b)) is amended by adding at the end thereof the following new paragraph:

"(7) Subsection (a) shall not apply to qualified domestic relations orders (within the meaning of section 206(d)(3)(B)(i)).".

SEC. 105. RESTRICTIONS ON MANDATORY DISTRIBUTIONS.

(a) GENERAL RULE.—Section 203 (29 U.S.C. 1053) is amended by adding at the end thereof the following new subsection:

"(e)(1) If the present value of any accrued benefit exceeds $3,500, such benefit shall not be treated as nonforfeitable if the plan provides that the present value of such benefit could be immediately distributed without the consent of the participant.

"(2) For purposes of paragraph (1), the present value shall be calculated by using an interest rate not greater than the interest rate which would be used (as of the date of the distribution) by the Pension Benefit Guaranty Corporation for purposes of determining the present value of a lump sum distribution on plan termination.".

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 204(d) (29 U.S.C. 1054(d)(1)) is amended by striking out "$1,750" and inserting in lieu thereof "$3,500".

SEC. 106. PARTICIPANT TO BE NOTIFIED THAT BENEFITS MAY BE FORFEITABLE.

Subsection (c) of section 105 (29 U.S.C. 1025(c)) is amended by inserting at the end thereof the following new sentence: "Such statement shall also include a notice to the participant of any benefits which are forfeitable if the participant dies before a certain date.".

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

SEC. 201. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. MODIFICATIONS OF MINIMUM PARTICIPATION AND VESTING STANDARDS.

(a) AGE LIMITATION FOR MINIMUM PARTICIPATION STANDARDS LOWERED FROM AGE 25 TO AGE 21.—

(1) IN GENERAL.—Subparagraph (A)(i) of section 410(a)(1) (relating to minimum age requirement for participation) is amended by striking out "25" and inserting in lieu thereof "21".

(2) SPECIAL RULE FOR CERTAIN PLANS.—Subparagraph (B)(ii) of section 410(a)(1) (relating to special rules for certain plans) is amended by striking out " '30' for '25' " and inserting in lieu thereof " '26' for '21' ".

(b) YEARS OF SERVICE AFTER AGE 18 (INSTEAD OF AGE 22) TAKEN INTO ACCOUNT FOR DETERMINING NONFORFEITABLE PERCENTAGE.—Subparagraph (A) of section 411(a)(4) (relating to service included in determination of nonforfeitable percentage) is amended by striking out "22" and inserting in lieu thereof "18".

(c) BREAK IN SERVICE FOR VESTING UNDER DEFINED CONTRIBUTION PLANS, ETC.—Subparagraph (C) of section 411(a)(6) (relating to 1-year break in service under defined contribution plan) is amended—

(1) by striking out "1-YEAR BREAK IN SERVICE" in the subparagraph heading and inserting in lieu thereof "5 CONSECUTIVE 1-YEAR BREAKS IN SERVICE",

(2) by striking out "any 1-year break in service" and inserting in lieu thereof "5 consecutive 1-year breaks in service", and

(3) by striking out "such break" each place it appears and inserting in lieu thereof "such 5-year period".

(d) RULE OF PARITY FOR NONVESTED PARTICIPANTS TO BE APPLIED ONLY IF BREAK IN SERVICE EXCEEDS 5 YEARS.—

(1) MINIMUM PARTICIPATION STANDARDS.—Subparagraph (D) of section 410(a)(5) (relating to breaks in service) is amended to read as follows:

"(D) NONVESTED PARTICIPANTS.—

"(i) IN GENERAL.—For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account in computing the period of service if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(I) 5, or

"(II) the aggregate number of years of service before such period.

"(ii) YEARS OF SERVICE NOT TAKEN INTO ACCOUNT.—If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

"(iii) NONVESTED PARTICIPANT DEFINED.—For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions."

(2) MINIMUM VESTING STANDARDS.—Subparagraph (D) of section 411(a)(6) (relating to breaks in service) is amended to read as follows:

"(D) NONVESTED PARTICIPANTS.—

"(i) IN GENERAL.—For purposes of paragraph (4), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(I) 5, or

"(II) the aggregate number of years of service before such period.

"(ii) YEARS OF SERVICE NOT TAKEN INTO ACCOUNT.—If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

"(iii) NONVESTED PARTICIPANT DEFINED.—For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions."

(e) CERTAIN MATERNITY OR PATERNITY ABSENCES NOT TREATED AS BREAKS IN SERVICE.—

(1) MINIMUM PARTICIPATION STANDARDS.—Paragraph (5) of section 410(a) (relating to breaks in service) is amended by adding at the end thereof the following new subparagraph:

"(E) SPECIAL RULE FOR MATERNITY OR PATERNITY ABSENCES.—

"(i) GENERAL RULE.—In the case of each individual who is absent from work for any period—

"(I) by reason of the pregnancy of the individual,

"(II) by reason of the birth of a child of the individual,

"(III) by reason of the placement of a child with the individual in connection with the adoption of such child by such individual, or

"(IV) for purposes of caring for such child for a period beginning immediately following such birth or placement,

the plan shall treat as hours of service, solely for purposes of determining under this paragraph whether a 1-year break in service (as

defined in section 411(a)(6)(A)) has occurred, the hours described in clause (ii).

"(ii) HOURS TREATED AS HOURS OF SERVICE.—The hours described in this clause are—

"(I) the hours of service which otherwise would normally have been credited to such individual but for such absence, or

"(II) in any case in which the plan is unable to determine the hours described in subclause (I), 8 hours of service per day of such absence,

except that the total number of hours treated as hours of service under this clause by reason of any such pregnancy or placement shall not exceed 501 hours.

"(iii) YEAR TO WHICH HOURS ARE CREDITED.—The hours described in clause (ii) shall be treated as hours of service as provided in this subparagraph—

"(I) only in the year in which the absence from work begins, if a participant would be prevented from incurring a 1-year break in service in such year solely because the period of absence is treated as hours of service as provided in clause (i); or

"(II) in any other case, in the immediately following year.

"(iv) YEAR DEFINED.—For purposes of this subparagraph, the term 'year' means the period used in computations pursuant to paragraph (3).

"(v) INFORMATION REQUIRED TO BE FILED.—A plan shall not fail to satisfy the requirements of this subparagraph solely because it provides that no credit will be given pursuant to this subparagraph unless the individual furnishes to the plan administrator such timely information as the plan may reasonably require to establish—

"(I) that the absence from work is for reasons referred to in clause (i), and

"(II) the number of days for which there was such an absence."

(2) MINIMUM VESTING STANDARDS.—Paragraph (6) of section 411(a) (relating to breaks in service) is amended by adding at the end thereof the following new subparagraph:

"(E) SPECIAL RULE FOR MATERNITY OR PATERNITY ABSENCES.—

"(i) GENERAL RULE.—In the case of each individual who is absent from work for any period—

"(I) by reason of the pregnancy of the individual,

"(II) by reason of the birth of a child of the individual,

"(III) by reason of the placement of a child with the individual in connection with the adoption of such child by such individual, or

"(IV) for purposes of caring for such child for a period beginning immediately following such birth or placement,

the plan shall treat as hours of service, solely for purposes of determining under this paragraph whether a 1-year break in service has occurred, the hours described in clause (ii).

"(ii) HOURS TREATED AS HOURS OF SERVICE.—The hours described in this clause are—

"(I) the hours of service which otherwise would normally have been credited to such individual but for such absence, or

"(II) in any case in which the plan is unable to determine the hours described in subclause (I), 8 hours of service per day of absence,

except that the total number of hours treated as hours of service under this clause by reason of any such pregnancy or placement shall not exceed 501 hours.

"(iii) YEAR TO WHICH HOURS ARE CREDITED.—The hours described in clause (ii) shall be treated as hours of service as provided in this subparagraph—

"(I) only in the year in which the absence from work begins, if a participant would be prevented from incurring a 1-year break in service in such year solely because the period of absence is treated as hours of service as provided in clause (i); or

"(II) in any other case, in the immediately following year.

"(iv) YEAR DEFINED.—For purposes of this subparagraph, the term 'year' means the period used in computations pursuant to paragraph (5).

"(v) INFORMATION REQUIRED TO BE FILED.—A plan shall not fail to satisfy the requirements of this subparagraph solely because it provides that no credit will be given pursuant to this subparagraph unless the individual furnishes to the plan administrator such timely information as the plan may reasonably require to establish—

"(I) that the absence from work is for reasons referred to in clause (i), and

"(II) the number of days for which there was such an absence."

(3) ABSENCES DISREGARDED FOR PURPOSES OF ACCRUED BENEFIT REQUIREMENTS.—Subparagraph (A) of section 411(b)(3) (relating to year of participation) is amended by inserting ", determined without regard to section 410(a)(5)(E)" after "section 410(a)(5)".

(f) APPLICATION OF BREAK IN SERVICE RULES TO ACCRUED BENEFITS.—Subparagraph (C) of section 411(a)(7) (defining accrued benefit) is amended by striking out "any one-year break in service" and inserting in lieu thereof "5 consecutive 1-year breaks in service".

SEC. 203. REQUIREMENT OF JOINT AND SURVIVOR ANNUITIES AND PRERETIREMENT SURVIVOR ANNUITIES.

(a) GENERAL RULE.—Paragraph (11) of section 401(a) (relating to requirement of joint and survivor annuities) is amended to read as follows:

"(11) REQUIREMENT OF JOINT AND SURVIVOR ANNUITY AND PRERETIREMENT SURVIVOR ANNUITY.—

"(A) IN GENERAL.—In the case of any plan to which this paragraph applies, except as provided in section 417, a trust forming part of such plan shall not constitute a qualified trust under this section unless—

"(i) in the case of a vested participant who retires under the plan, the accrued benefit payable to such participant is provided in the form of a qualified joint and survivor annuity, and

"(ii) in the case of a vested participant who dies before the annuity starting date and who has a surviving spouse, a qualified preretirement survivor annuity is provided to the surviving spouse of such participant.

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to—

"(i) any defined benefit plan,

"(ii) any defined contribution plan which is subject to the funding standards of section 412, and

"(iii) any participant under any other defined contribution plan unless—

"(I) such plan provides that the participant's nonforfeitable accrued benefit is payable in full, on the death of the participant, to the participant's surviving spouse (or, if there is no surviving spouse or the surviving spouse consents in the manner required under section 417(a)(2)(A), to a designated beneficiary),

"(II) such participant does not elect a payment of benefits in the form of a life annuity, and

"(III) with respect to such participant, such plan is not a direct or indirect transferee of a plan which is described in clause (i) or (ii) or to which this clause applied with respect to the participant.

"(C) EXCEPTION FOR CERTAIN ESOP BENEFITS.—

"(i) IN GENERAL.—In the case of—

"(I) a tax credit employee stock ownership plan (as defined in section 409(a)), or

"(II) an employee stock ownership plan (as defined in section 4975(e)(7)),

subparagraph (A) shall not apply to that portion of the employee's accrued benefit to which the requirements of section 409(h) apply.

"(ii) NONFORFEITABLE BENEFIT MUST BE PAID IN FULL, ETC.—In the case of any participant, clause (i) shall apply only if the requirements of subclauses (I), (II), and (III) of subparagraph (B)(iii) are met with respect to such participant.

"(D) CROSS REFERENCE.—For—

"(i) provisions under which participants may elect to waive the requirements of this paragraph, and

"(ii) other definitions and special rules for purposes of this paragraph,

see section 417."

(b) DEFINITIONS AND SPECIAL RULES.—Subpart B of part I of subchapter D of chapter 1 is amended by adding at the end thereof the following new section:

"SEC. 417. DEFINITIONS AND SPECIAL RULES FOR PURPOSES OF MINIMUM SURVIVOR ANNUITY REQUIREMENTS.

"(a) ELECTION TO WAIVE QUALIFIED JOINT AND SURVIVOR ANNUITY OR QUALIFIED PRERETIREMENT SURVIVOR ANNUITY.—

"(1) IN GENERAL.—A plan meets the requirements of section 401(a)(ii) only if—

"(A) under the plan, each participant—

"(i) may elect at any time during the applicable election period to waive the qualified joint and survivor annuity form of benefit or the qualified preretirement survivor annuity form of benefit (or both), and

"(ii) may revoke any such election at any time during the applicable election period, and

"(B) the plan meets the requirements of paragraphs (2) and (3) of this subsection.

"(2) SPOUSE MUST CONSENT TO ELECTION.—Each plan shall provide that an election under paragraph (1)(A)(i) shall not take effect unless—

"(A) the spouse of the participant consents in writing to such election, and the spouse's consent acknowledges the effect of such election and is witnessed by a plan representative or a notary public, or

"(B) it is established to the satisfaction of a plan representative that the consent required under subparagraph (A) may not be obtained because there is no spouse, because the spouse cannot be located, or because of such other circumstances as the Secretary may by regulations prescribe.

Any consent by a spouse (or establishment that the consent of a spouse may not be obtained) under the preceding sentence shall be effective only with respect to such spouse.

"(3) PLAN TO PROVIDE WRITTEN EXPLANATIONS.—

"(A) EXPLANATION OF JOINT AND SURVIVOR ANNUITY.—Each plan shall provide to each participant, within a reasonable period of time before the annuity starting date (and consistent with such regulations as the Secretary may prescribe), a written explanation of—

"(i) the terms and conditions of the qualified joint and survivor annuity,

"(ii) the participant's right to make, and the effect of, an election under paragraph (1) to waive the joint and survivor annuity form of benefit,

"(iii) the rights of the participant's spouse under paragraph (2), and

"(iv) the right to make, and the effect of, a revocation of an election under paragraph (1).

"(B) EXPLANATION OF QUALIFIED PRERETIREMENT SURVIVOR ANNUITY.—Each plan shall provide to each participant, within the period beginning with the first day of the plan year in which the participant attains age 32 and ending with the close of the plan year preceding the plan year in which the participant attains age 35 (and consistent with such regulations as the Secretary may prescribe), a written explanation with respect to the qualified preretirement survivor annuity comparable to that required under subparagraph (A).

"(4) SPECIAL RULES WHERE PLAN FULLY SUBSIDIZES COSTS.—

"(A) IN GENERAL.—The requirements of this subsection shall not apply with respect to the qualified joint and survivor annuity form of benefit or the qualified preretirement survivor annuity form of benefit, as the case may be, if the plan fully subsidizes the costs of such benefit.

"(B) DEFINITION.—For purposes of subparagraph (A), a plan fully subsidizes the costs of a benefit if under the plan the failure to waive such benefit by a participant would not result in a decrease in any plan benefits with respect to such participant and would not result in increased contributions from such participant.

"(5) APPLICABLE ELECTION PERIOD DEFINED.—For purposes of this subsection, the term 'applicable election period' means—

"(A) in the case of an election to waive the qualified joint and survivor annuity form of benefit, the 90-day period ending on the annuity starting date, or

"(B) in the case of an election to waive the qualified preretirement survivor annuity, the period which begins on the first day of the plan year in which the participant attains age 35 and ends on the date of the participant's death.

In the case of a participant who is separated from service, the applicable election period under subparagraph (B) with respect to benefits accrued before the date of such separation from service shall not begin later than such date.

"(b) DEFINITION OF QUALIFIED JOINT AND SURVIVOR ANNUITY.—For purposes of this section and section 401(a)(11), the term 'qualified joint and survivor annuity' means an annuity—

"(1) for the life of the participant with a survivor annuity for the life of the spouse which is not less than 50 percent of (and is not greater than 100 percent of) the amount of the annuity which is payable during the joint lives of the participant and the spouse, and

"(2) which is the actuarial equivalent of a single annuity for the life of the participant.

Such term also includes any annuity in a form having the effect of an annuity described in the preceding sentence.

"(c) DEFINITION OF QUALIFIED PRERETIREMENT SURVIVOR ANNUITY.—For purposes of this section and section 401(a)(11)—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'qualified preretirement survivor annuity' means a survivor annuity or the life of the surviving spouse of the participant if—

"(A) the payments to the surviving spouse under such annuity are not less than the amounts which would be payable as a survivor annuity under the qualified joint and survivor annuity under the plan (or the actuarial equivalent thereof) if—

"(i) in the case of a participant who dies after the date on which the participant attained the earliest retirement age, such participant had retired with an immediate qualified joint and survivor annuity on the day before the participant's date of death, or

"(ii) in the case of a participant who dies on or before the date on which the participant would have attained the earliest retirement age, such participant had—

"(I) separated from service on the date of death,

"(II) survived to the earliest retirement age,

"(III) retired with an immediate qualified joint and survivor annuity at the earliest retirement age, and

"(IV) died on the day after the day on which such participant would have attained the earliest retirement age, and

"(B) under the plan, the earliest period for which the surviving spouse may receive a payment under such annuity is not later than the month in which the participant would have attained the earliest retirement age under the plan.

"(2) SPECIAL RULE FOR DEFINED CONTRIBUTION PLANS.—In the case of any defined contribution plan or participant described in clause (ii) or (iii) of section 401(a)(11)(B), the term 'qualified preretirement survivor annuity' means an annuity for the life of the surviving spouse the actuarial equivalent of which is not less than 50 percent of the account balance of the participant as of the date of death.

"(d) SURVIVOR ANNUITIES NEED NOT BE PROVIDED IF PARTICIPANT AND SPOUSE MARRIED LESS THAN 1 YEAR.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a plan shall not be treated as failing to meet the requirements of section 401(a)(11) merely because the plan provides that a qualified joint and survivor annuity (or a qualified preretirement survivor annuity) will not be provided unless the participant and spouse had been married throughout the 1-year period ending on the earlier of—

"(A) the participant's annuity starting date, or

"(B) the date of the participant's death.

"(2) TREATMENT OF CERTAIN MARRIAGES WITHIN 1 YEAR OF ANNUITY STARTING DATE FOR PURPOSES OF QUALIFIED JOINT AND SURVIVOR ANNUITIES.—For purposes of paragraph (1), if—

"(A) a participant marries within 1 year before the annuity starting date, and

"(B) the participant and the participant's spouse in such marriage have been married for at least a 1-year period ending on or before the date of the participant's death,

such participant and such spouse shall be treated as having been married throughout the 1-year period ending on the participant's annuity starting date.

"(e) RESTRICTIONS ON CASH-OUTS.—

"(1) PLAN MAY REQUIRE DISTRIBUTION IF PRESENT VALUE NOT IN EXCESS OF $3,500.—A plan may provide that the present value of a qualified joint and survivor annuity or a qualified preretirement survivor annuity will be immediately distributed if such value does not exceed $3,500. No distribution may be made under the preceding sentence after the annuity starting date unless the participant and the spouse of the participant (or where the participant has died, the surviving spouse) consents in writing to such distribution.

"(2) PLAN MAY DISTRIBUTE BENEFIT IN EXCESS OF $3,500 ONLY WITH CONSENT.—If—

"(A) the present value of the qualified joint and survivor annuity or the qualified preretirement survivor annuity exceeds $3,500, and

"(B) the participant and the spouse of the participant (or where the participant has died, the surviving spouse) consent in writing to the distribution,

the plan may immediately distribute the present value of such annuity.

"(3) DETERMINATION OF PRESENT VALUE.—For purposes of paragraphs (1) and (2), the present value of a qualified joint and survivor annuity or a qualified preretirement survivor annuity shall be determined as of the date of the distribution and by using an interest rate not greater than the interest rate which would be used (as of the date of the distribution) by the Pension Benefit Guaranty Corporation for purposes of determining the present value of a lump sum distribution on plan termination.

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section and section 401(a)(11)—

"(1) VESTED PARTICIPANT.—The term 'vested participant' means any participant who has a nonforfeitable right (within the meaning of section 411(a)) to any portion of the accrued benefit derived from employer contributions.

"(2) ANNUITY STARTING DATE.—The term 'annuity starting date' means the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or disability).

"(3) EARLIEST RETIREMENT AGE.—The term 'earliest retirement age' means the earliest date on which, under the plan, the participant could elect to receive retirement benefits.

"(4) PLAN MAY TAKE INTO ACCOUNT INCREASED COSTS.—A plan may take into account in any equitable manner (as determined by the Secretary) any increased costs resulting from providing a qualified joint or survivor annuity or a qualified preretirement survivor annuity.

"(5) CONSULTATION WITH THE SECRETARY OF LABOR.—In prescribing regulations under this section and section 401(a)(11), the Secretary shall consult with the Secretary of Labor."

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part I of subchapter D of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 417. Definitions and special rules for purposes of minimum survivor annuity requirements."

SEC. 204. SPECIAL RULES FOR ASSIGNMENTS IN DIVORCE, ETC., PROCEEDINGS.

(a) PROHIBITION AGAINST ASSIGNMENT NOT TO APPLY IN DIVORCE, ETC., PROCEEDINGS.—Paragraph (13) of section 401(a) (relating to assignment of benefits) is amended—

(1) by striking out "(13) A trust" and inserting in lieu thereof the following:

"(13) ASSIGNMENT AND ALIENATION.—

"(A) IN GENERAL.—A trust", and

(2) by correcting the margin for such subparagraph (A), and

(3) by adding at the end thereof the following new subparagraph:

"(B) SPECIAL RULES FOR DOMESTIC RELATIONS ORDERS.—Subparagraph (A) shall apply to the creation, assignment, or recognition of a right to any benefit payable with respect to a participant pursuant to a domestic relations order, except that subparagraph (A) shall not apply if the order is determined to be a qualified domestic relations order."

(b) QUALIFIED DOMESTIC RELATIONS ORDER DEFINED.—Section 414 is amended by adding

at the end thereof the following new subsection:

"(p) QUALIFIED DOMESTIC RELATIONS ORDER DEFINED.—For purposes of this subsection and section 401(a)(13)—

"(1) IN GENERAL.—

"(A) QUALIFIED DOMESTIC RELATIONS ORDER.—The term 'qualified domestic relations order' means a domestic relations order—

"(i) which creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a participant under a plan, and

"(ii) with respect to which the requirements of paragraphs (2) and (3) are met.

"(B) DOMESTIC RELATIONS ORDER.—The term 'domestic relations order' means any judgment, decree, or order (including approval of a property settlement agreement) which—

"(i) relates to the provision of child support, alimony payments, or marital property rights to a spouse, child, or other dependent of a participant, and

"(ii) is made pursuant to a State domestic relations law (including a community property law).

"(2) ORDER MUST CLEARLY SPECIFY CERTAIN FACTS.—A domestic relations order meets the requirements of this paragraph only if such order clearly specifies—

"(A) the name and the last known mailing address (if any) of the participant and the name and mailing address of each alternate payee covered by the order,

"(B) the amount or percentage of the participant's benefits to be paid by the plan to each such alternate payee, or the manner in which such amount or percentage is to be determined,

"(C) the number of payments or period to which such order applies, and

"(D) each plan to which such order applies.

"(3) ORDER MAY NOT ALTER AMOUNT, FORM, ETC., OF BENEFITS.—A domestic relations order meets the requirements of this paragraph only if such order—

"(A) does not require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan,

"(B) does not require the plan to provide increased benefits, (determined on the basis of actuarial value), and

"(C) does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

"(4) EXCEPTION FOR CERTAIN PAYMENTS MADE AFTER EARLIEST RETIREMENT AGE.—

"(A) IN GENERAL.—In the case of any payment before a participant has separated from service, a domestic relations order shall not be treated as failing to meet the requirements of subparagraph (A) of paragraph (3) solely because such order requires that payment of benefits be made to an alternate payee—

"(i) on or after the date on which the participant attains (or would have attained) the earliest retirement age,

"(ii) as if the participant had retired on the date on which such payment is to begin under such order (but taking into account only the present value of the benefits actually accrued and not taking into account the present value of any employer subsidy for early retirement), and

"(iii) in any form in which such benefits may be paid under the plan to the participant (other than in the form of a joint and survivor annuity with respect to the alternate payee and his or her subsequent spouse).

For purposes of clause (ii), the interest rate assumption used in determining the present value shall be the interest rate specified in the plan or, if no rate is specified, 5 percent.

"(B) EARLIEST RETIREMENT AGE.—For purposes of this paragraph, the term 'earliest retirement age' has the meaning given such term by section 417(f)(3), except that in the case of any defined contribution plan, the earliest retirement age shall be the date which is 10 years before the normal retirement age (within the meaning of section 411(a)(8)).

"(5) TREATMENT OF FORMER SPOUSE AS SURVIVING SPOUSE FOR PURPOSES OF DETERMINING SURVIVOR BENEFITS.—To the extent provided in any qualified domestic relations order—

"(A) the former spouse of a participant shall be treated as a surviving spouse of such participant for purposes of sections 401(a)(11) and 417, and

"(B) if married for at least 1 year, the surviving spouse shall be treated as meeting the requirements of section 417(d).

A plan shall not be treated as failing to meet the requirements of subsection (a) or (k) of section 401 which prohibit payment of benefits before termination of employment solely by reason of payments to an alternate payee pursuant to a qualified domestic relations order.

"(6) PLAN PROCEDURES WITH RESPECT TO ORDERS.—

"(A) NOTICE AND DETERMINATION BY ADMINISTRATOR.—In the case of any domestic relations order received by a plan—

"(i) the plan administrator shall promptly notify the participant and any other alternate payee of the receipt of such order and the plan's procedures for determining the qualified status of domestic relations orders, and

"(ii) within a reasonable period after receipt of such order, the plan administrator shall determine whether such order is a qualified domestic relations order and notify the participant and each alternate payee of such determination.

"(B) PLAN TO ESTABLISH REASONABLE PROCEDURES.—Each plan shall establish reasonable procedures to determine the qualified status of domestic relations orders and to administer distributions under such qualified orders.

"(7) PROCEDURES FOR PERIOD DURING WHICH DETERMINATION IS BEING MADE.—

"(A) IN GENERAL.—During any period in which the issue of whether a domestic relations order is a qualified domestic relations order is being determined (by the plan administrator, by a court of competent jurisdiction, or otherwise), the plan administrator shall segregate in a separate account in the plan or in an escrow account the amounts which would have been payable to the alternate payee during such period if the order had been determined to be a qualified domestic relations order.

"(B) PAYMENT TO ALTERNATE PAYEE IF ORDER DETERMINED TO BE QUALIFIED DOMESTIC RELATIONS ORDER.—If within 18 months the order (or modification thereof) is determined to be a qualified domestic relations order, the plan administrator shall pay the segregated amounts (plus any interest thereon) to the person or persons entitled thereto.

"(C) PAYMENT TO PLAN PARTICIPANT IN CERTAIN CASES.—If within 18 months—

"(i) it is determined that the order is not a qualified domestic relations order, or

"(ii) the issue as to whether such order is a qualified domestic relations order is not resolved,

then the plan administrator shall pay the segregated amounts (plus any interest thereon) to the person or persons who would have been entitled to such amounts if there had been no order.

"(D) SUBSEQUENT DETERMINATION OR ORDER TO BE APPLIED PROSPECTIVELY ONLY.—Any determination that an order is a qualified domestic relations order which is made after the close of the 18-month period shall be applied prospectively only.

"(8) ALTERNATE PAYEE DEFINED.—The term 'alternate payee' means any spouse, former spouse, child or other dependent of a participant who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under a plan with respect to such participant.

"(9) CONSULTATION WITH THE SECRETARY.—In prescribing regulations under this subsection and section 401(a)(13), the Secretary of Labor shall consult with the Secretary."

(c) TAX TREATMENT OF DIVORCE DISTRIBUTIONS.—

(1) ALTERNATE PAYEE MUST INCLUDE BENEFITS IN GROSS INCOME.—Section 402(a) (relating to taxability of beneficiary of trust) is amended by adding at the end thereof the following new paragraph:

"(9) ALTERNATE PAYEE UNDER QUALIFIED DOMESTIC RELATIONS ORDER TREATED AS DISTRIBUTEE.—For purposes of subsection (a)(1) and section 72, the alternate payee shall be treated as the distributee of any distribution or payment made to the alternate payee under a qualified domestic relations order (as defined in section 414(p)).

(2) ALLOCATION OF INVESTMENT IN THE CONTRACT.—Subsection (m) of section 72 (relating to special rules applicable to employee annuities and distributions under employee plans) is amended by adding at the end thereof the following new paragraph:

"(10) DETERMINATION OF INVESTMENT IN THE CONTRACT IN THE CASE OF QUALIFIED DOMESTIC RELATIONS ORDERS.—Under regulations prescribed by the Secretary, in the case of a distribution or payment made to an alternate payee pursuant to a qualified domestic relations order (as defined in section 414(p)), the investment in the contract as of the date prescribed in such regulations shall be allocated on a pro rata basis between the present value of such distribution or payment and the present value of all other benefits payable with respect to the participant to which such order relates.".

(3) ROLLOVER OF DISTRIBUTIONS UNDER QUALIFIED DOMESTIC RELATIONS ORDERS.—Paragraph (6) of section 402(a) (relating to special rules for rollovers) is amended by adding at the end thereof the following new subparagraph:

"(F) QUALIFIED DOMESTIC RELATIONS ORDERS.—If—

"(i) within 1 taxable year of the recipient, the balance to the credit of the recipient by reason of any qualified domestic relations order (within the meaning of section 414(p)) is distributed or paid to the recipient,

"(ii) the recipient transfers any portion of the property the recipient receives in such distributions to an eligible retirement plan described in subclause (I) or (II) of paragraph (5)(E)(iv), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then the portion of the distribution so transferred shall be treated as a distribution described in paragraph (5)(A).".

(4) CLARIFICATION OF ELIGIBILITY OF PARTICIPANT FOR LUMP SUM TREATMENT.—Paragraph (4) of section 402(e) (relating to tax on lump sum distributions) is amended by adding at the end thereof the following new subparagraph:

"(M) BALANCE TO CREDIT OF EMPLOYEE NOT TO INCLUDE AMOUNTS PAYABLE UNDER QUALIFIED DOMESTIC RELATIONS ORDER.—For purposes of this subsection, subsection (a)(2) of this section, and section 403(a)(2), the balance to the credit of an employee shall not include any amount payable to an alternate payee under a qualified domestic relations order (within the meaning of section 414(p))."

SEC. 205. RESTRICTION ON MANDATORY DISTRIBUTIONS.

(a) GENERAL RULE.—Subsection (a) of section 411 (relating to minimum vesting standards) is amended by adding at the end thereof the following new paragraph:

"(11) RESTRICTIONS ON CERTAIN MANDATORY DISTRIBUTIONS.—

"(A) IN GENERAL.—If the present value of any accrued benefit exceeds $3,500, such benefit shall not be treated as nonforfeitable if the plan provides that the present value of such benefit could be immediately distributed without the consent of the participant.

"(B) DETERMINATION OF PRESENT VALUE.—For purposes of subparagraph (A), the present value shall be calculated by using an interest rate not greater than the interest rate which would be used (as of the date of the distribution) by the Pension Benefit Guaranty Corporation for purposes of determining the present value of a lump sum distribution on plan termination."

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 411(a)(7) (relating to effect of certain distributions) is amended by striking out "$1,750" and inserting in lieu thereof "$3,500".

SEC. 206. PARTICIPANT TO BE NOTIFIED THAT BENEFITS MAY BE FORFEITABLE.

Subsection (e) of section 6057 (relating to individual statement to participants) is amended by adding at the end thereof the following new sentence: "Such statement shall also include a notice to the participant of any benefits which are forfeitable if the participant dies before a certain date."

SEC. 207. WRITTEN EXPLANATION OF ROLLOVER TREATMENT REQUIRED TO BE GIVEN TO RECIPIENT OF DISTRIBUTIONS ELIGIBLE FOR ROLLOVER TREATMENT.

(a) GENERAL RULE.—Section 402 (relating to taxability of beneficiary of employees trusts) is amended by adding at the end thereof the following new subsection:

"(f) WRITTEN EXPLANATION TO RECIPIENTS OF DISTRIBUTIONS ELIGIBLE FOR ROLLOVER TREATMENT.—

"(1) IN GENERAL.—The plan administrator of any plan shall, when making a qualifying rollover distribution, provide a written explanation to the recipient—

"(A) of the provisions under which such distribution will not be subject to tax if transferred to an eligible retirement plan within 60 days after the date on which the recipient received the distribution, and

"(B) if applicable, the provisions of subsections (a)(2) and (e) of this section.

"(2) DEFINITIONS.—For purposes of this subsection, the terms 'qualifying rollover distribution' and 'eligible retirement plan' have the respective meanings given such terms by subsection (a)(5)(E)."

(b) PENALTY FOR FAILURE TO PROVIDE WRITTEN EXPLANATION.—Section 6652 (relating to penalty for failure to file certain information returns, registration statements, etc.) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) FAILURE TO GIVE WRITTEN EXPLANATION TO RECIPIENTS OF CERTAIN QUALIFYING ROLLOVER DISTRIBUTIONS.—In the case of each failure to provide a written explanation as required by section 402(f), at the time prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such written explanation, an amount equal to the $10 for each such failure, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $5,000.".

TITLE III—GENERAL PROVISIONS

SEC. 301. TREATMENT OF CERTAIN PLAN AMENDMENTS AND ACTUARIAL ASSUMPTIONS.

(a) CERTAIN PLAN AMENDMENTS TREATED AS REDUCING BENEFITS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE OF 1954.—Paragraph (6) of section 411(d) of the Internal Revenue Code of 1954 (relating to accrued benefit not to be decreased by amendment) is amended to read as follows:

"(6) ACCRUED BENEFIT NOT TO BE DECREASED BY AMENDMENT.—

"(A) IN GENERAL.—A plan shall be treated as not satisfying the requirements of this section if the accrued benefit of a participant is decreased by an amendment of the plan, other than an amendment described in section 412(c)(8), or section 4281 of the Employee Retirement Income Security Act of 1974.

"(B) TREATMENT OF CERTAIN PLAN AMENDMENTS.—For purposes of subparagraph (A), a plan amendment which has the effect of—

"(i) eliminating or reducing an early retirement benefit or a retirement-type subsidy (as defined in regulations), or

"(ii) eliminating an optional form of benefit,

with respect to benefits attributable to service before the amendment shall be treated as reducing accured benefits. In the case of a retirement-type subsidy, the preceding sentence shall apply only with respect to a participant who satisfies (either before or after the amendment) the preamendment conditions for the subsidy. The Secretary may by regulations provide that this subparagraph shall not apply to a plan amendment described in clause (ii) (other than a plan amendment having an effect described in clause (i)).".

(2) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subsection (g) of section 204 of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

"(g)(1) The accrued benefit of a participant under a plan may not be decreased by an amendment of the plan, other than an amendment described in section 302(c)(8).

"(2) For purposes of paragraph (1), a plan amendment which has the effect of—

"(A) eliminating or reducing an early retirement benefit or a retirement-type subsidy (as defined in regulations), or

"(B) eliminating an optional form of benefit,

with respect to benefits attributable to service before the amendment shall be treated as reducing accrued benefits. In the case of a retirement-type subsidy, the preceding sentence shall apply only with respect to a participant who satisfies (either before or after the amendment) the preamendment conditions for the subsidy. The Secretary of the Treasury may by regulations provide that this subparagraph shall not apply to a plan amendment described in subparagraph (B) (other than a plan amendment having an effect described in subparagraph (A)).".

(b) REQUIREMENT THAT ACTUARIAL ASSUMPTIONS BE SPECIFIED.—Subsection (a) of section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by inserting after paragraph (24) the following new paragraph:

"(25) REQUIREMENT THAT ACTUARIAL ASSUMPTIONS BE SPECIFIED.—A defined benefit plan shall not be treated as providing definitely determinable benefits unless, whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, such assumptions are specified in the plan in a way which precludes employer discretion.".

SEC. 302. GENERAL EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section or section 303, the amendments made by this Act shall apply to plan years beginning after December 31, 1984.

(b) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of this Act, except as provided in subsection (d) or section 303, the amendments made by this Act shall not apply to plan years beginning before the earlier of—

(1) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(2) January 1, 1987.

For purposes of paragraph (1), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by title I or II shall not be treated as a termination of such collective bargaining agreement.

(c) NOTICE REQUIREMENT.—The amendments made by section 207 shall apply to distributions after December 31, 1984.

(d) SPECIAL RULES FOR TREATMENT OF PLAN AMENDMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by section 301 shall apply to plan amendments made after July 30, 1984.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements entered into before January 1, 1985, which are—

(A) between employee representatives and 1 or more employers, and

(B) successor agreements to 1 or more collective bargaining agreements which terminate after July 30, 1984, and before January 1, 1985,

the amendments made by section 301 shall not apply to plan amendments adopted before April 1, 1985, pursuant to such successor agreements (without regard to any modification or reopening after December 31, 1984).

SEC. 303. TRANSITIONAL RULES.

(a) AMENDMENTS RELATING TO VESTING RULES; BREAKS IN SERVICE; MATERNITY OR PATERNITY LEAVE.—

(1) MINIMUM AGE FOR VESTING.—The amendments made by sections 102(b) and 202(b)

shall apply in the case of participants who have at least 1 hour of service under the plan on or after the first day of the first plan year to which the amendments made by this Act apply.

(2) BREAK IN SERVICE RULES.—If, as of the day before the first day of the first plan year to which the amendments made by this Act apply, section 202 (a) or (b) or 203(b) of the Employee Retirement Income Security Act of 1974 or section 410(a) or 411(a) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act) would not require any service to be taken into account, nothing in the amendments made by subsections (c) and (d) of section 102 of this Act and subsections (c) and (d) of section 202 of this Act shall be construed as requiring such service to be taken into account under such section 202 (a) or (b), 203(b), 410(a), or 411(a); as the case may be.

(3) MATERNITY OR PATERNITY LEAVE.—The amendments made by sections 102(e) and 202(e) shall apply in the case of absences from work which begin on or after the first day of the first plan year to which the amendments made by this Act apply.

(b) SPECIAL RULE FOR AMENDMENTS RELATING TO MATERNITY OR PATERNITY ABSENCES.—If a plan is administered in a manner which would meet the amendments made by sections 102(e) and 202(e) (relating to certain maternity or paternity absences not treated as breaks in service), such plan need not be amended to meet such requirements until the earlier of—

(1) the date on which such plan is first otherwise amended after the date of the enactment of this Act, or

(2) the beginning of the first plan year beginning after December 31, 1986.

(c) REQUIREMENT OF JOINT AND SURVIVOR ANNUITY AND PRERETIREMENT SURVIVOR ANNUITY.—

(1) REQUIREMENT THAT PARTICIPANT HAVE AT LEAST 1 HOUR OF SERVICE OR PAID LEAVE ON OR AFTER DATE OF ENACTMENT.—The amendments made by sections 103 and 203 shall apply only in the case of participants who have at least 1 hour of service under the plan on or after the date of the enactment of this Act or have at least 1 hour of paid leave on or after such date of enactment.

(2) REQUIREMENT THAT PRERETIREMENT SURVIVOR ANNUITY BE PROVIDED IN CASE OF CERTAIN PARTICIPANTS DYING ON OR AFTER DATE OF ENACTMENT.—In the case of any participant—

(A) who has at least 1 hour of service under the plan on or after the date of the enactment of this Act or has at least 1 hour of paid leave on or after such date of enactment,

(B) who dies before the annuity starting date, and

(C) who dies on or after the date of the enactment of this Act and before the first day of the first plan year to which the amendments made by this Act apply,

the amendments made by sections 103 and 203 shall be treated as in effect as of the time of such participant's death.

(3) SPOUSAL CONSENT REQUIRED FOR CERTAIN ELECTIONS AFTER DECEMBER 31, 1984.—Any election after December 31, 1984, and before the first day of the first plan year to which the amendments made by this Act apply not to take a joint and survivor annuity shall not be effective unless the requirements of section 205(c)(2) of the Employee Retirement Income Security Act of 1974 (as amended by section 103 of this Act) and section 417(a)(2) of the Internal Revenue Code of 1954 (as added by section 203 of this Act) are met with respect to such election.

(d) AMENDMENTS RELATING TO ASSIGNMENTS IN DIVORCE, ETC., PROCEEDINGS.—The amendments made by sections 104 and 204 shall take effect on January 1, 1985, except that in the case of a domestic relations order entered before such date, the plan administrator—

(1) shall treat such order as a qualified domestic relations order if such administrator is paying benefits pursuant to such order on such date, and

(2) may treat any other such order entered before such date as a qualified domestic relations order even if such order does not meet the requirements of such amendments.

(e) TREATMENT OF CERTAIN PARTICIPANTS WHO SEPARATE FROM SERVICE BEFORE DATE OF ENACTMENT.—

(1) JOINT AND SURVIVOR ANNUITY PROVISIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 APPLY TO CERTAIN PARTICIPANTS.—If—

(A) a participant had at least 1 hour of service under the plan on or after September 2, 1974,

(B) section 205 of the Employee Retirement Income Security Act of 1974 and section 401(a)(11) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act) would not (but for this paragraph) apply to such participant,

(C) the amendments made by sections 103 and 203 of this Act do not apply to such participant, and

(D) as of the date of the enactment of this Act, the participant's annuity starting date has not occurred and the participant is alive,

then such participant may elect to have section 205 of the Employee Retirement Income Security Act of 1974 and section 401(a)(11) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act) apply.

(2) TREATMENT OF CERTAIN PARTICIPANTS WHO PERFORM SERVICE ON OR AFTER JANUARY 1, 1976.—If—

(A) a participant had at least 1 hour of service in the first plan year beginning on or after January 1, 1976,

(B) the amendments made by sections 103 and 203 would not (but for this paragraph) apply to such participant,

(C) when such participant separated from service, such participant had at least 10 years of service under the plan and had a nonforfeitable right to all (or any portion) of such participant's accrued benefit derived from employer contributions, and

(D) as of the date of the enactment of this Act, such participant's annuity starting date has not occurred and such participant is alive,

then such participant may elect to have the qualified preretirement survivor annuity requirements of the amendments made by sections 103 and 203 apply.

(3) PERIOD DURING WHICH ELECTION MAY BE MADE.—An election under paragraph (1) or (2) may be made by any participant during the period—

(A) beginning on the date of the enactment of this Act, and

(B) ending on the earlier of the participant's annuity starting date or the date of the participant's death.

(4) REQUIREMENT OF NOTICE.—

(A) IN GENERAL.—

(i) TIME AND MANNER.—Every plan shall give notice of the provisions of this subsection at such time or times and in such manner or manners as the Secretary of the Treasury may prescribe.

(ii) PENALTY.—If any plan fails to meet the requirements of clause (i), such plan shall pay a civil penalty to the Secretary of the Treasury equal to $1 per participant for each day during the period beginning with the first day on which such failure occurs and ending on the day before notice is given by the plan; except that the amount of such penalty imposed on any plan shall not exceed $2,500.

(B) RESPONSIBILITIES OF SECRETARY OF LABOR.—The Secretary of Labor shall take such steps (by public announcements and otherwise) as may be necessary or appropriate to bring to public attention the provisions of this subsection.

SEC. 304. STUDY BY COMPTROLLER GENERAL OF THE UNITED STATES.

(a) GENERAL RULE.—The Comptroller General of the United States shall conduct a detailed study (based on a reliable scientific sample of typical pension plans of various designs and sizes) of the effect on women of participation, vesting, funding, integration, survivorship features, and other relevant plan and Federal pension rules.

(b) GENERAL ACCOUNTING OFFICE ACCESS TO RECORDS.—For the purpose of conducting the study under subsection (a), the Comptroller General, or any of his duly authorized representatives, shall have access to and the right to examine and copy—

(1) any pension plan books, documents, papers, records, or other recorded information within the possession or control of the plan administrator or sponsor, or any person providing services to the plan, and

(2) any payroll, employment, or other related records within the possession or control of any employer contributing to or sponsoring a pension plan,

that is pertinent to such study. The Comptroller General shall not disclose the identity of any individual or employer in making any information obtained under this subsection available to the public.

(c) DEFINITIONS.—For purposes of this section, the terms "pension plan", "administrator", "plan sponsor", and "employer" are defined in section 3 of the Employee Retirement Income Security Act of 1974, as amended.

(d) COOPERATION WITH OTHER FEDERAL AGENCIES.—In conducting the study under subsection (a), the Comptroller General shall consult with the Internal Revenue Service, the Department of Labor, and other interested Federal agencies so as to prevent any duplication of data compilation or analyses.

(e) REPORT.—Not later than January 1, 1990, the Comptroller General shall submit a report on the study conducted under this section to the Committee on Ways and Means of the House of Representatives, the Committee on Education and Labor of the House of Representatives, the Committee on Finance of the Senate, the Committee on Labor and Human Resources of the Senate, and the Joint Committee on Taxation.

Mr. DOLE. Mr. President, today I urge my colleagues to adopt H.R. 4280, the Retirement Equity Act of 1984, as amended. The Retirement Equity Act was originally reported by the Committee on Finance on October 24, 1983, and passed by the Senate in November of last year. H.R. 2769 was originally the legislation enacting the President's Caribbean Basin Initiative.

H.R. 4280, passed by the House on May 24, is based upon the legislation the Senate adopted last year. The House made some technical modifications to the original Senate bill and expanded the survivor coverage and certain other protection provided in that bill for plan participation and their spouses. For that reason, the Finance Committee once again marked up the Retirement Equity Act to refine further the provisions based upon review by the Treasury Department and the Labor Department, and to reflect comments of experts from the private sector.

The Retirement Equity Act, as amended, would eliminate or change administrative requirements imposed by the House bill, as well as address certain concerns expressed about the interpretation of the accrued benefit rule in the House bill. The amendments would make it clear that the accrued benefit rule would not apply to certain Social Security supplements, death benefits (including life insurance), qualified disability benefits and other benefits.

H.R. 4280 is an excellent measure to protect the retirement income of all Americans, and the revisions adopted by the Committee on Finance resolve the technical concerns that have been raised about the legislation. The Finance Committee and Joint Tax Committee staffs have worked carefully with the staffs of the Labor Committee and House Ways and Means and Education and Labor Committees to help assure that this will be a consensus effort which may be accepted by the House quickly without the need of a conference.

SENATE PASSAGE OF PENSION EQUITY ACT IN 1983

The Retirement Equity Act of 1983 was passed by the Senate on November 17, 1983, over 5 months before House passage. The act represents the efforts of many Members to achieve pension equity for women. With over 30 cosponsors, it has strong bipartisan support. The act reflects not only the provisions of S. 19, legislation originally introduced by Senator LONG and myself early in 1983, but also the many ideas expressed in the administration's bill, the work of the Senate Labor and Human Resources Committee, as well as the proposals of a number of Senators who have been leaders in the area of pension reform.

HOUSE ACTIVITY IN 1984

As in the Senate, numerous pension reform proposals have been discussed in the House of Representatives, including the Senate-passed bill and a similar bill proposed by the administration. The House considered and reconsidered various alternatives to the Senate bill, and I am gratified to see that, with very few exceptions, the final House-passed version incorporated all of the principal features of the Senate bill.

PROPOSED COMPROMISE

The legislation in its present form represents a compromise of the Senate and House bills that I believe provides a balanced reform measure.

Both bills lowered the maximum allowable age limitation for plan participation purposes from 25 to 21, and for vesting from age 22 to 18. The compromise also includes the House provision that lowers the participation age from 30 to 26 for plans of certain educational institutions. These are major improvements that will assure that more employees will receive pension credit for the years they work for their employer.

The compromise alters certain rules that have in some cases allowed pension plans to ignore the changing needs of women and others in the work force. In addition to the provisions of both bills that amend the break-in-service rules to prevent loss of participation credits before a break of 5 consecutive years, the compromise agrees to a House provision that gives similar protection for vested service. Clarifications are made in the provisions that make it easier for individuals to take maternity/paternity leave without loss of service credit.

SURVIVOR BENEFITS

The compromise also incorporates an important provision of the Senate bill dealing with the joint and survivor annuity rules and broadens its application. The Senate bill contained a rule designed to ensure that the spouses of participants nearing retirement (generally, those who had reached age 45 and had 10 years of service) would be entitled to survivor coverage; thus, benefits of participants nearing retirement would not be denied to the spouse due to the participant's death, as long as the participant and the spouse did not waive survivor coverage. The compromise liberalizes this rule to provide preretirement survivor coverage for all participants who have a vested right to benefits, regardless of their age of years of service.

In addition, the compromise repeals a rule that allows plans to ignore certain elections—or revocations—to waive a joint and survivor annuity if the election is made within 2 years of death from natural causes.

In order to ensure that the change in the survivor rules will have their intended effect, the compromise also explicitly requires defined benefits plans and certain defined contribution plans to provide life annuity—and as a result, survivor—benefits. In general, defined contribution plans that pay out the vested account benefits upon death and meet certain other requirements are not subject to this rule, nor are benefits from defined contribution plans to the extent they are payable in employer stock.

ACCRUED RETIREMENT BENEFITS

The compromise also helps assure that employees who have accrued retirement benefits will not lose these benefits when an employer amends or terminates a pension plan. I would point out that the legislation now before the Senate clarifies a provision of the House bill which was probably rightly criticized for being too vague and broad in its potential application.

In particular, the compromise clarified that certain nonretirement type benefits, such as Social Security supplements, qualified disability benefits, death benefits—including life insurance—medical and plant shutdown benefits to the extent they do not continue after normal retirement age, are not considered a part of a participant's accrued benefits for purposes of the provisions. The provision does not affect the liability of the Pension Benefit Guaranty Corporation with respect to benefits under terminated plans. Also, the provision does not require that an employer make contributions to a terminated plan beyond the level required under present law.

Section 301 of H.R. 4280 deals with the prohibition against certain changes in subsidized early retirement benefits or optional forms of benefits. This provision is to be effective with respect to plan amendments made after July 30, 1984. I have three points to make about this section.

First, it is my understanding that this provision is not intended to apply to amendments made on or before July 30, 1984, and that no inference is to be drawn from them as to prior law. In particular, this provision would not affect any current litigation with respect to plan amendments adopted before July 30, 1984.

Second, it is my understanding that an amendment is "made" when it is adopted, not when it is effective. Thus, for example, an amendment adopted June 1, 1984, but to become effective September 1, 1984, would generally not be subject to the new provision. The technical explanation of the bill, which is contained in the CONGRESSIONAL RECORD of August 2, 1984, states that a plan provision that takes effect as a result in the change in the status of the plan from topheavy to nontopheavy is treated as a plan amendment at the time the specified event occurs.

Third, section 301 permits the issuance of regulations which provide that the new rules "will not apply to an amendment described in clause (ii) [i.e., eliminating an optional form of benefit] (other than a plan amendment having an effect described in clause (i) [i.e., eliminating an early retirement benefit or a retirement-type subsidy]."

The technical explanation of section 301 gives an example of an elimination

of an option with respect to previously accrued benefits that Treasury may permit. In this example, an option must be eliminated as a condition for meeting the standards for qualification of the plan. For example, a form of survivor benefit offered may allow a payout period for a length of time longer than that allowed under section 401(a)(9) of the Internal Revenue Code, as amended by the Deficit Reduction Tax Act of 1984. I would anticipate that Treasury regulations may allow plans to change that option to shorten the payout period in my example, and that any subsidy included in the longer payout option might be allowed to be eliminated to the extent necessary to qualify the plan, but that the regulations would not automatically allow elimination of an entire option merely because a particular feature of the option violates the requirements for plan qualification.

PENSION BENEFITS UPON DIVORCE

The compromise adopts the rule in both bills that specifically states that ERISA does not preempt State laws if pension benefits are divided between a participant and spouse under a qualified domestic relations order. Specific requirements for qualifying domestic relations orders are established.

OTHER PROVISIONS

The compromise increases from $1,750 to $3,500 the mandatory amount that may be distributed in a lump sum to a departing participant without consent.

The compromise would also require more stringent notice and consent procedures regarding the availability of preretirement survivor benefits, and requires plan administrators to advise recipients of plan distributions that certain favorable tax treatment, such as tax/free rollover treatment and special 10-year income averaging, is available if proper actions are taken.

Finally, special effective dates are provided to expand the class of individuals entitled to joint and survivor coverage to include certain persons who have already terminated employment. I understand that there have been some concerns expressed by employer groups and the pension administrators that this retroactive coverage would impose impossible administrative burdens and additional liability on plan administrators, but I believe that the compromise adequately deals with these concerns, by requiring the terminated employees to advise the plan of this election and by allowing the plan to pass any additional costs to the particular beneficiaries.

NEED FOR QUICK ACTION

The provisions of this legislation require immediate action. Both the House and Senate bills encourages earlier participation and vesting in retirement plans, as well as improving survivor and other benefits. Postponement of the legislation postpones these benefits for all concerned.

In addition, the retirement plan sponsors themselves need these issues resolved in order to be able to adapt their plans to include these important provisions in the future. Generally, the bill is effective for plan years beginning after December 31, 1984. This early effective date is important to assure that the benefits of this legislation will be available as soon as possible. In all fairness, however, we should give plan sponsors as much time as possible to analyze this legislation to determine what changes in plan provisions and administrative procedures will be necessary.

THE BROADER VIEW OF PENSION REFORM

I believe that this legislation, in particular the more generous participation and vesting rules, will significantly improve the likelihood that women and others whose work patterns do not fit into the traditional mode will actually receive a retirement benefit. Moreover, survivor protection for spouses who work in the home is increased substantially, indicating at last some recognition of these spouses' contributions to their families and to society.

Both this legislation and the reforms we made in TEFRA governing "topheavy" plans, illustrate two general types of reform measures that have begun. First, the topheavy legislation was an attempt to ensure that the tax benefits granted to retirement plans are used to provide benefits for all employees, not just the highly paid employees. Second, the reforms in this bill reflect the need to revise our retirement system to accommodate new workers and new work patterns as well as to assure that all employees receive pension credits for the years they actually work, not for just a portion of their career with an employer.

Some critics have said that these reforms are minor, and propose broader reform. I do not disagree that additional proposals should be seriously considered. But I believe that the concrete steps we have taken in the area of pension reform, in terms of actual legislation enacted, will have both important immediate effects and will, indeed, establish new concepts about the need for and use of retirement benefits.

In 1982, we requested a study from the Congressional Budget Office regarding the most effective use of retirement incentives. This bill requests a further study by the GAO of the effect on women of certain current Federal pension requirements, such as the participation, vesting, funding, integration and survivorship rules. With the new concepts established by the reforms we have accomplished, and future input from interested groups and individuals, the pension community, the CBO, and GAO, I anticipate that additional reform for all individuals will be continued in the future.

Mr. LONG. Mr. President, I am delighted that we were able to agree today to approve legislation designed to remedy many of the inequities that women face in pensions. This bill reflects the concerns of Members in both the House and the Senate who are aware of the disadvantages that women often suffer due to the operation of current law. This bill represents a bipartisan attempt to address many of these inequities in a manner designed to reflect both the legitimate concerns of pension plan sponsors and the reasonable expectations of pension plan participants.

This legislation should improve the chances that women will have an opportunity to earn pension benefits while working. It also helps ensure that the retirement benefits workers expect to be there on retirement are in fact there.

This bill originated in the Senate as S. 19, which I was proud to cosponsor January 26, 1983, with the distinguished Finance Committee chairman, BOB DOLE. On October 19, 1983, Senator DOLE and I introduced a revised version of that bill as S. 1978. Joining us as cosponsors were the distinguished chairman, Mr. HATCH, and the distinguished ranking member, Mr. KENNEDY, of the Committee on Labor and Human Resources along with 27 other Members from both sides of the aisle.

S. 1978 included the provisions of S. 19 and also reflected the thoughts of other Senators who have introduced legislation in this area. The administration's ideas were also incorporated in that bill. S. 1978 was approved by the Senate on November 18, 1983 (as S. 2769). This bill reflects a further refinement of those ideas, a refinement designed to reflect the concerns not only of the Senate but also of Members in the House, particularly those with an interest who serve on the House Ways and Means Committee and the House Education and Labor Committee.

The Finance Committee approved this bill as a much-needed solution to correcting many of the problems confronting women in the work force. It is my hope that this bill will achieve a large measure of pension equity without creating undue costs and administrative burdens for plan sponsors. This bill represents an approach that addresses the concerns of plan sponsors while still advancing the bill's very worthwhile objectives.

● Mr. PERCY. Mr. President, as an original cosponsor of the Retirement Equity Act of 1983, I am extremely pleased that my distinguished colleague, Senator ROBERT DOLE, has asked the full Senate to consider similar legislation today. This legislation

would amend the Employee Retirement Income Security Act of 1974 [ERISA] to remove barriers which have historically prevented women from achieving pension equity with men. I believe that this legislation is long overdue.

Congress first enacted ERISA a decade ago to protect the interests of employees covered by private pension plans and their beneficiaries. Unfortunately, ERISA has not protected the interests of our Nation's women. Although ERISA does not distinguish between male and female employees, the provisions of this law are greatly inadequate to provide retirement income security for a significant number of women.

It is common knowledge that the percentage of employed women who receive pension benefits is significantly lower than that of men, and that the amount of pension money is generally much smaller than that received by men. There are many reasons for this inequity. Not only are women concentrated in occupations which have low pension coverage, but women who choose to interrupt their careers to raise children can be penalized under current law. Of course, employment trends for women are changing but these changes are slow, and there will remain employment behavior that is unique to women. The Retirement Equity Act takes into consideration the employment patterns particular to women by lowering the age for plan participation so that women can count the years of heaviest labor force participation, and liberalizing the break-in-service rules.

Under ERISA, the choice of a survivor's option is solely the employee's and there are no provisions for the spouse in the case of a retiree's death. On numerous occasions I have heard from widows in my home State of Illinois who are unable to provide for their basic needs because their spouse died before retirement or they were not included in their retired spouse's plan as a beneficiary. This bill would require notification of forfeiture of vested benefits upon an employee's death should the participant die before a particular date and provides that both the spouse and the participant must elect to waive a survivor option.

In recent years we have seen a skyrocketing divorce rate that has left many women in harsh economic straits, particularly older women who have spent their lifetimes as homemakers. This legislation would allow pension funds to be treated as joint property in divorce proceedings. I quote one of my constitutents who has been greatly disserviced by the present law:

At the time of my divorce, after twenty-five years of marriage, my husband left his job with over $62,000 in pension, all of which he cashed in. He did not pay the taxes on this money. Therefore, a lien was placed on our home which was court ordered sold to pay back taxes which were in excess of $8,000.00. The judge ruled that it was his pension and he was entitled to all of it, but I was penalized to pay the back tax due on it by taking the money out of the escrow in our home. * * * My hope is only that you are able to reflect on some of the things that are happening to people like myself.

It is indeed time that Congress reflected on the pension rights of women. I commend my colleagues who have been working diligently to correct the present inequities so that we can bring justice into the lives of retired women.●

● Mr. DURENBERGER. Mr. President, pension equity is a most significant addition to our efforts to remove economic discrimination against women in our society. I am pleased to see this important piece of legislation brought to the Senate floor today.

For a number of years I have been troubled by the lack of pension equity faced by women in America. I was disturbed because almost every woman in this country will face one or more of the following pension inequities at some time in her working life: Longer work requirements for pension vesting and participation rights; termination of survivorship benefits; denial of pension survivorship benefits; and loss of accrued benefits due to break-in-service requirements.

The Economic Equity Act of 1981, which I introduced in the 97th Congress with Senators PACKWOOD, HATFIELD, HART, and others, contained a number of proposals to eliminate pension discrimination. These provisions were reintroduced in the Economic Equity Act of 1983—S. 888—and hearings were held in the Senate Finance Committee in June to ascertain the extent of this discrimination.

Mr. President, those hearings reinforced my belief that we must eliminate the economic discrimination which confronts women in America today—specifically with respect to pensions, but also in the areas of dependent care, child support enforcement, insurance, regulatory reform and taxation. Women have been the subject of economic inequity for 200 years—we must act now to remove the economic barriers which they confront.

Successful consideration of pension reform is an important beginning. I am pleased that most of the provisions of the bill were contained in the Economic Equity Act of 1983. Many were also part of Senator DOLE's pension equity bill, S. 19, and other legislation introduced by concerned Members of this body and the House of Representatives.

This bill will remove pension discrimination against women in the following ways:

It reduces the minimum age of pension participation age from 25 to 21, and it lowers the minimum age of vesting from 22 to 18.

These changes are significant for women because more women under age 25 are employed outside the home than any other age bracket. It is also true that women are more likely than men to leave the work force in their twenties or thirties.

It would ensure that individuals who temporarily leave their jobs would not lose their pension rights for prebreak periods of service. It would also provide additional protection for women and men who take maternity/paternity leave.

It would require that survivor's benefits be provided in the event of the death of a plan participant without requiring that the participant survive to age 55—which currently penalizes many deserving recipients.

This addresses the serious problem faced by many women whose husbands die prematurely and who find themselves without survivor's benefits.

It would establish joint and survivor's annuity benefits as the normal type of benefit payout for any plan which offers an annuity as an optional form of benefit. Should a married couple desire to waive the right to such survivor's benefits, they will be required to do so in writing.

This change will help ensure that a spouse will no longer unknowingly find himself or herself without survivor's benefits.

It would allow for equitable division of pension accounts in court-ordered divorce actions.

It would require individual benefits statements to include a notice to participants identifying when vested benefits may be forfeited.

I am encouraged by the attention being devoted to the pension issue, but continue to believe the most effective way for Congress to address pension discrimination is to pass the entire Economic Equity Act with all its other reinforcing provisions.

Mr. President, I hope we will continue to take action, during the duration of the 98th Congress, to enact other provisions of the Economic Equity Act. We must move to increase the availability of dependent care by expanding the dependent care tax credit. We should follow the example of the U.S. Supreme Court and remove all insurance discrimination that currently exists. Finally, we should extend the reform in public pensions to the Civil Service Retirement System.

Mr. President, 1964 was a historic year for the civil rights movement. Twenty years later we have an opportunity to make 1984 a historic year for promoting economic equity for women in America.

Passage of the pension reform is a promising first step. I urge my colleagues to support this important measure.●

● Mr. GRASSLEY. Mr. President, as an original sponsor of the Retirement Equity Act, I strongly urge its approval by all of my colleagues.

On my trips home to Iowa, many women have questioned me about provisions within the bill. Unfortunately, many of these constituents are concerned about the effective date provisions. Some of them have had family tragedies and are seeking information on the effective date for the joint and survivor annuity provisions. While individuals whose spouses have died before congressional action won't be protected by the provisions within this bill, it is imperative we enact this legislation as quickly as possible.

The important features of this legislation offer all retirees the hope of a better, more comprehensive private pension system. First, the age for qualifying for a pension is lowered from 25 to 21. Once a worker enters a qualifying period, he or she accumulates years toward vesting. To permit workers to qualify earlier helps all younger employees, but it gives women added flexibility if they wish to begin families during their late twenties or early thirties. Also, this bill provides for up to 1 year of absence due to the birth of a child without losing credit for prior service. Third, this bill permits Federal pensions to be subject to State property laws on divorce. Finally, it requires pensions to have a joint and survivor option which can be waived only with the consent of both spouses.

This bill redresses some inequities that should have been addressed years ago. It provides important safeguards for workers and expands the class of people eligible for private pensions. It should be enacted immediately to prevent any additional harsh results from occurring. I ask my colleagues to favorably consider this bill.●

Mr. EXON. Mr. President, I am pleased to cosponsor and lend my support to H.R. 4280, the Women's Pension Equity Act of 1984.

This legislation brings the Federal pension law known as ERISA into the 1980's, recognizing the changes which have occurred in the Nation's work force, particularly with regard to America's women workers. In 1974, when ERISA was first enacted, women comprised about 39 percent of the Nation's work force and about 38 percent of Nebraska's work force. Today in 1984, 10 years later, women make up over 50 percent of the Nation's work force and nearly 45 percent of Nebraska's working population.

The measure before the Senate is the first Federal effort aimed at improving private pension benefits for women. This bill attempts to address the ever-increasing problem where women are facing old age without adequate retirement protections. The current law oftentimes penalizes women for leaving the work force to bear children and to raise a family. As a consequence, they are left with little or no retirement income with which to enjoy their later years.

The Women's Pension Equity Act makes several changes for those pension plans regulated by Federal law which improve the retirement outlook for both working women and those homemakers dependent upon their spouse's pension plan.

The bill lowers from age 25 to age 21 the minimum age at which any employee may participate in a pension plan. This is important in that it recognizes that many women, as well as men, enter the work force at an earlier age. In addition, the bill reduces the age at which the 10-year vesting credit period begins from age 22 to age 18.

Another important change which this legislation makes is to protect the accrued pension rights of those who take maternity or paternity leave. Under present law, for example, a woman returning to work after a maternity leave may find that she has lost all credits for previous service with that same employer.

Other important changes include a requirement that defined benefit or money purchase pension plans provide automatic survivor benefits where a vested participant may die before the annuity starting date. Currently, women whose husbands die before reaching retirement age receive no pension at all even if their husband worked for a company for 25 years. Both spouses must consent in writing to waive automatic survivor benefits. Present law allows waiver of survivor benefits without even informing one's spouse.

These changes are certainly no means a "cure-all" for the retirement needs of American women. Many of the changes in this legislation may even benefit men. But it is an important recognition of the disparities and needs in today's society of more working women. This is an appropriate beginning in addressing the problem we find today where more and more women are finding themselves in an old age of poverty, living meagerly on minimum Social Security benefits.

Mr. President, I urge the Senate's support for this important measure.

Mr. HATCH. Mr. President, I am very pleased that the Senate is able to take expeditious action on this important measure which is designed to bring about a greater degree of equity for women and men in our Nation's private pension system. The distinguished chairman of the Finance Committee, Mr. DOLE, deserves tremendous credit for taking the lead in this important area, as well as Mr. NICKLES, the distinguished chairman of the Labor Subcommittee. At the onset of the 98th Congress, Senator DOLE introduced S. 19. This measure was jointly referred to both the Labor Committee and the Finance Committee, as has been the custom with respect to measures proposing amendments to the Internal Revenue Code and the Employee Retirement Income Security Act of 1974 (ERISA). Over the last year and a half, both committees held hearings on the legislation and on the subject of women's pension equity in general.

The evidence gathered from these hearings reinforced the need to enact the changes proposed in S. 19 and, in addition, pointed up additional problems. There emerged from the hearings and from the extended negotiations among the committees, the administration, and various interests groups a revised proposal (S. 1978), which Senator DOLE and over 30 other cosponsors, including this Senator from Utah, introduced on October 19, 1983. Ultimately, the substance of this measure was added to H.R. 2769, which was passed by the Senate and returned to the other body last fall. Since then, the legislation has undergone further refinement. H.R. 4280 is the final product. It was recently passed by the House, and in the Senate has undergone certain technical revisions under the scrutiny of the Finance Committee.

On balance, no one can quarrel with the need to make our Nation's pension system gender neutral. As regulated by ERISA, the system in the past has not taken in account the unique circumstances which women in the work force face. They generally enter the work force at a younger age than men. They are more mobile, not staying with the same employer for as long a period of time as men. They often leave the work force for periods of time to have children and raise a family. Under current law, these circumstances often operate to diminish the amount of pension benefits a women can accrue.

Moreover, current law has created hardships on women as spouses of working husbands. If a husband dies prematurely, before reaching retirement age, whatever accrued benefits he may have earned are extinguished. This can leave a wife without the benefit of expected benefits which she and her husband would have enjoyed had he lived to retirement age. Current law has also imposed hardships in the divorce situation, a hardship in and of itself. In the quest to make ERISA the premier body of law governing pensions, the Congress enacted a very broad rule of preemption, thus preventing interference by the operation of State law. A problem has arisen, however, with respect to do-

mestic relations, which in our Federal system has remained within the province of the States. The ERISA preemption rules have frustrated efforts by State courts to settle property rights in the context of divorce proceedings. Women in many instances have not been able to realize their legitimate expectations to share in the pension benefits earned by their working spouses.

The bill addresses these foregoing problems in a comprehensive way. The minimum participation and vesting rules are modified, as well as break-in-service rules, so as to enable more women to qualify for pension benefits and to avoid the loss of otherwise accrued benefits. It mandates the payment of survivor benefits if the participant was vested at the time of death. It clarifies that pension benefits can be allocated in the context of divorce proceedings. In addition, the bill requires plans to provide automatically joint and survivor benefits unless both the participant and the spouse consent in writing to waive this right.

As much merit as there is in these and other changes in ERISA, I think it is appropriate at this point to express a note of caution. Our Nation's private pension system is a voluntary one. Employers are not required to adopt a pension system. Even a unionized employer, while it is required to bargain over the subject of pensions, may ultimately bargain to impasse over the issue of whether to adopt a pension plan. And the law will not impose such a condition of employment on an employer. Just as the National Labor Relations Act will not impose a pension on an unwilling employer neither will ERISA. The thrust of ERISA is that once an employer does adopt a pension plan, the plan must be administered and funded in such a way as to realize for employee participants their expectations of a pension benefit upon retirement.

As we strive earnestly to assure to participants the "benefit of the bargain," we must not lose sight of the burdens which we impose upon employers. Whether we like it or not, the moment that the rules governing pensions become too burdensome, too costly, too complex, employers may simply choose not to sponsor a defined benefit pension. It may even choose to terminate a defined benefit plan, and replace it with a defined contribution plan, or some other, more simplified substitute. More than likely, an employer may simply begin to phase out elements, such as early retirement subsidies, on the ground that the advantages which flow from such options may not be justified by the costs imposed by regulation.

It remains to be seen whether there are elements of H.R. 4280 which pose such a risk. Some employers have raised questions about a provision (section 301) governing subsidies. This provision was inserted by the House in order to provide a statutory basis, where none existed before, for some regulations issued by the Treasury Department over the last several years. While the Finance Committee's report does articulate the limits of this provision, its actual impact will be difficult to gauge, in part because the provision was never the subject of hearings or public scrutiny.

As the Congress moves toward further refinement of ERISA future, I hope that we do not lose sight of the essential voluntariness of the system. Without question, private pensions have been an invaluable component of this country's economic security. It has been beneficial to millions of workers and families and in turn benefical to the well-being of society. Let's not kill the goose that has laid the golden egg.

Mr. DOMENICI. Mr. President, I rise today in support of the Retirement Equity Act of 1984, as amended and passed unanimously by the Finance Committee. It is important that Congress pass this legislation to correct problems in private pension programs that have resulted in inequities for women.

Senator DOLE and I introduced S. 19, the original pension equity measure in the Senate. These figures tell the story of the serious need for legislation: In 1979, only 40 percent of women working full time in private industry were covered by a pension plan; and, in 1979, only 5 to 10 percent of surviving spouses actually received their spouses' pension benefits.

This consensus bill will take care of major problems for a number of people, but the bill's impact on women in particular will be great.

The bill lowers the age of mandatory participation in pension plans to 21. Half of the existing pension plans require that an employee be older than 21 to participate. Earlier vesting will help women as well as men. About 978,000 full-time young workers whose jobs are covered by a pension plan would be affected by reducing the participation standard to age 21, 553,000 women and 425,000 men.

The bill's impact on women will be greater. Changes will increase the number of full-time workers participating in private pension plans by about 3.2 percent, including a 6.4-percent increase for women and a 2-percent increase for men.

Women also have higher labor force participation rates at earlier ages, so earlier vesting will have a greater impact on women.

Besides making it easier to vest, this legislation will make it easier for participants to leave their jobs—for limited periods of time—without losing credit for pension years already earned. The legislation will make it easier for participants to take maternity or paternity leave and receive limited credit toward their pensions and for women to receive survivor annuity benefits, among other changes beneficial to women.

Put simply, this legislation is designed to modify aspects of private pension plans that make it difficult for women in particular to qualify for retirement benefits. It is my hope that this bill receives swift passage in the House and the Senate.

Mr. HEINZ. Mr. President, once again, we have before us that milestone in the effort to provide economic equity for all our citizens, the Retirement Equity Act of 1984. As an original cosponsor of nearly identical legislation, H.R. 2769, I would like to commend the leadership of the chairman of the Senate Finance Committee, my good friend Senator DOLE, in shepherding this legislation down its long road to passage.

As chairman of the Special Committee on Aging, I am all too well aware of the income needs of our Nation's older citizens. As we all know, poverty among the elderly is predominantly the poverty of women. Fully three-fourths of the elderly poor are single women. In 1979, 35 percent of women were covered by a pension, compared to 55 percent of men. Those women who did receive a pension received benefits approximately half that of their male counterparts.

Our private pension system rewards a certain kind of worker, one whose employment is fulltime, long-term and uninterrupted. Because they are often the primary home and child caretakers, women's work patterns often put them at a decided disadvantage. Although women's labor force participation has doubled in the last quarter century, a third of the women aged 20 to 54 are not in the paid labor force. Those who do work often take time out to have children, or work part time in order to fulfill the dual roles of wife/mother and employee. It is unfortunately still true that women are compensated an average of 59 cents for every dollar earned by a man.

The situation is even more serious in the case of women who never enter the workforce and whose benefits are based on their status as dependents of wage earning spouses. Death, disability, and divorce diminish, and too often deprive these women of retirement income which their spouses have earned, and which they have earned by their contribution to the home and family.

H.R. 4280 contains important provisions both for women who work outside the home, and women who do not. The bill ensures that all employees earning an annuity benefit will be provided with mandatory joint and survivor coverage once the employee has 10

years of vested service. Currently joint and survivor coverage is mandatory only once the employee reaches the age of 65, though he may elect joint and survivor coverage at the firm's early retirement age.

Hearings in the Senate and the House have provided ample evidence of cases of women whose husbands died too soon—1 year, 3 months, even 4 hours—before they could have provided survivor coverage for them. But the problem has been even larger. The Employee Retirement Income Security Act contained no provisions regarding joint and survivor coverage for spouses of disabled employees. This summer I received a letter from a woman in Pennsylvania whose husband had retired on disability after 37 years of service. He died at 63, but was never offered the option of providing a survivor benefit to his wife, despite his long years of employment. This situation is an unjust one, and one that will no longer be permitted under the legislation before us today.

The Retirement Equity Act requires that no matter what the reason for separation from employment, be it untimely death, disability, or simply a change of employers, an employee who has 10 years service must be provided a joint and survivor annuity, unless the couple elects out of it. This bill further recognizes the significant contribution of spouses who choose to remain at home full time by requiring that joint and survivor coverage cannot be signed away without their consent.

In addition, the Retirement Equity Act all but does away with the anomalous 2-year nonaccidental death rule which formerly prohibited the assignment of survivor benefits by any employee who died within 2 years after electing such coverage. Unfortunately the rule still penalizes those hopefully few employees and their spouses who first opt out, then seek to retrieve survivor protection, but die before the passage of 2 years.

This legislation takes steps to correct the inequitable treatment of spouses who are divorced from their employed spouses. Today pensions are not universally considered community property. Courts often consider the pension as the sole property of the individual who earned it. Thus, in domestic relations courts, the pension, often the couple's largest asset, has been held inviolate.

H.R. 4280 makes it clear that ERISA language was never intended to preclude division of the pension as community property in domestic relations orders. It requires that a qualified order be honored by a pension fund. Further, a spouse need no longer be married to the employed spouse at the time of retirement in order to receive a benefit, and if the employed spouse should die before reaching retirement age, the divorced spouse is still entitled to a survivor benefit. Finally, the bill contains provisions to ensure that the divorced spouse is informed that this benefit can be rolled over into an IRA in order to defer tax liability.

In view of the changing work patterns of women in America, I believe that the provisions of this bill for working women are most significant. First, this bill lowers the minimum age for participation under ERISA from 25 to 21. Second, it lowers the minimum age for vesting from 25 to 18. Most importantly, this bill provides that breaks in service of up to 5 years will not deprive an employee with less than 5 years of service of credit for participation or vesting purposes. Additionally, the bill provides for a year of maternity/paternity leave regardless of the employee's participation and vesting status.

Mr. President, there has been little progress in recent years in increasing wages for women overall. As more and more women earn their own pension benefits through increased participation in the workforce, we in the Congress have a responsibility to ensure that today's inequities are not magnified in retirement.

There are no doubt provisions which some would wish were included in this legislation. On the whole however, this is a giant, long-awaited step forward in economic equity for women in retirement. It is not the first step, nor will it be the last. I urge my colleagues in the Senate to support this important measure.

Mr. D'AMATO. Mr. President, I am pleased that we are finally returning to the Pension Equity Act. The Senate passed this legislation on November 18, 1983. It has taken over 8 months for the House to act on the legislation and send it to conference. Unfortunately, it appears that partisan politics caused delays in enacting the vital reforms contained in this bill.

The Pension Equity Act begins the process of providing women economic equality to men. Currently, pension law grossly discriminates against both working and nonworking women. This is unfair and unjust.

The Pension Equity Act incorporates many important reforms including:

Lowering the minimum age to receive vasting privileges under a pension plan from 25 to 21. Many women begin working right out of high school. This provision will allow them to receive a pension upon retirement if they quit after the age of 21.

Requiring a written waiver by a spouse if the beneficiary of a pension is changed. Under current law, a working husband can change the beneficiary of his pension plan without telling his wife. The legislation before us corrects this gross inequity.

Allowing a court to award part of a working spouse's pension to a nonworking spouse as part of a divorce settlement. This would allow a divorcee to retain some economic security.

Mr. President, I am pleased that we are making progress toward offering women the economic equality they have earned and deserve. However, much more work still must be done. I hope before this session of Congress ends we also can take up S. 888, the Economic Opportunity Act. This legislation, if enacted, would go a long way toward establishing economic parity between men and women.

Mr. President, I urge all my colleagues to support the Pension Equity Act and to embrace the cause of economic equality.

Mr. DOLE. Mr. President, I think the Retirement Equity Act is a step in the right direction. We have worked it out on both sides of the aisle. There were a couple of committees involved. We believe that the bill that will be passed today will be accepted by the House, which will mean that it will not need to go to conference.

The PRESIDING OFFICER. The question is on agreeing to the committee substitute.

The committee substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I thank the distinguished majority leader and the distinguished minority leader for helping us expedite passage of this measure.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BUDGET ACT WAIVER—AGRICULTURE APPROPRIATIONS, 1985

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, there will now be 1 hour of debate on the motion to waive section 303 of the Budget Act of 1974 with respect to the agriculture appropriations bill, to be equally divided between and controlled by the chairman

and ranking minority member of the Budget Committee or their designees.

Mr. BAKER. Mr. President, the chairman of the Budget Committee is not presently on the floor. The ranking minority member is here. I am prepared, if he is, to suggest the absence of a quorum, with the time to be charged equally to both sides, until somebody arrives who might want to speak.

The PRESIDING OFFICER. Is there objection?

Mr. CHILES. Mr. President, I am prepared to speak now, or I can wait until the distinguished chairman of the Budget Committee arrives, if that is the wish of the majority leader.

Mr. BAKER. I urge the Senator from Florida to go ahead. I am sure the Senator from New Mexico will be here in a moment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, we will be voting on cloture sometime around 5 o'clock on a motion to waive the Budget Act. I think it is important that we review some of the historical events that have brought us to this point.

The Budget Act was passed in 1974 when Congress finally determined we needed some kind of restraint on spending, some kind of restraint on the passage of new programs whose cost had not been determined in advance. We needed some way of restraining ourselves so that we would not build formulas into programs that would end up haunting us down the road.

We saw a number of programs initiated for good cause. But when we looked at the cost estimates prepared before we voted on those programs they matched them against what the programs finally did cost, we began to appreciate the need for a Budget Act.

Some years ago, we provided kidney dialysis for people who needed such treatment. It was a humane aim, and when we first passed that program, it was estimated to cost about $230 million. Today, that program is costing $2.6 billion. So a good program was passed, when the sponsor was able to say it was not going to cost too much money and would help people. Yet, today, if you have kidney disease and dialysis will help you, the Federal Government picks up the whole tab. If you need a liver transplant, you are out of luck. If you need a lung operation or have emphysema, you do not get help from the Government.

It was that kind of uneven priority setting and passing not 1, but 15 or 16 appropriation bills while never adding up what they were going to cost at the end of the year, that made us decide we needed a budget act.

Under that act, we were supposed to determine at the beginning of the year, before we spent one dime, how much money the Federal Government would take in, what we needed to take care of the needs of Government, and where we would spend the money. For the first time, we began to consider the priorities of spending. Then, not the Budget Committee but both bodies, the House and the Senate, passed a First Concurrent Resolution, which set the framework for spending during the year.

The Budget Act clearly points out that appropriations bills will not be passed until we have that spending resolution. Yet, we find ourselves this year, on August 6, with no budget resolution. The bill is residing in a conference committee that was appointed months ago. There have been only four meetings, four times during the last 2 months, and only one of those meetings lasted as long as an hour. The other three were much shorter than that.

Mr. President, we have already passed a number of appropriations bills, and work was to begin this week, before the recess, on three or four additional appropriation bills.

Yet we have no binding guideline on spending. There is no binding number, so the House, theoretically, could spend what it wants on its favorite programs, and the Senate could spend what it wants on its favorite programs.

Now we are told that there is a rump agreement, between the majority party of this House, the Republicans, and the President, that they will not spend over a certain amount. Well, that may be a good faith agreement between them, but that is not an agreement in the law. The Budget Act is the law. What happens next year if we disregard the Budget Act?

The Senator from Florida is concerned that we may fail to follow the law and abandon the one discipline we have. That would be tragic. It would be tragic for the Senate, it would be tragic for the House of Representatives, it would be tragic for the country.

Mr. President, while the conference is holding the bill and while there are no meetings, the President is calling for a constitutional amendment to balance the budget. He says this is the way to get us out of this dilemma.

I find it a little ironic, Mr. President, knowing that it will take us years to pass a constitutional amendment, have the requisite number of States ratify it, another have it take effect. This country will long be bankrupt before that happens. Yet at the same time, we have the President balking, and an unwillingness to compromise in the conference committee so that we can have a budget report. What is the problem?

The main difference, Mr. President, simply is $13 billion, the difference between $299 billion and $287 billion in the item of defense. That is the principal difference. The House of Representatives has offered to split that difference, but the Republican-controlled Senate says, "We will take the high side of our defense number and you can take the low side of your defense number, and let that be the range."

Mr. President, if we do that on all the items in the conference, we have no conference at all. We have no meeting of the minds at all. We have no spending restraint at all, because it simply means either body can spend exactly as much as it wants to spend.

I am concerned that, if we go through this entire year without facing the music, we would be turning away from the process, and abandoning the Budget Act. I hope the Senate today in this vote will decide it does not wish to turn away from that process, it wishes to honor its obligations, it has respect for the law.

The spread between what the White House wants for military spending and what the House of Representatives has offered is now $7 billion out of nearly $300 billion. And that, Mr. President, is no spread at all. The difference between what the House of Representatives wants and what the chairman of the committee, Senator DOMENICI, said was a good number is only $2 billion.

Senator STEVENS has already said that he thinks we are going to end up not at the $299 billion or 7-percent growth figure, but closer to 5 percent or less.

Knowing that, Mr. President, it seems to me that it would be very wise if we voted down this motion for cloture today. I hope the majority leader of the Senate would instruct the chairman and myself, as the ranking minority member, to go to the budget conference, come up with a fair compromise with the House of Representatives, get us a binding first concurrent budget resolution. Then we would have the restraint the law calls for, and which many people across this Nation are calling for. It would give us the means to try and get our financial house in order.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, the time will run equally against both sides.

Mr. CHILES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHILES. If the Senator from Florida as the minority member has 30 minutes and the other side has 30 minutes and I have used a portion of my time, I am hard pressed to understand why time is to run equally against the Senator from Florida when the other side has not used any time. So I certainly object to time of the quorum being divided equally.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to the other side.

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

Mr. CHILES. 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. MITCHELL. 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. CHILES. Mr. President, I yield 5 minutes to the distinguished Senator from Washington, Senator GORTON.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I thank my friend, the distinguished Senator from Florida.

Mr. President, I appear today in a position which I do not believe I have found myself in almost 4 years as a Member of this body. I am here today to say that I think that the Senator from Florida is entirely correct in the feeling that it is inappropriate for this body not seriously to seek the passage of a budget resolution before rather than after it takes up major authorization and appropriations bills.

I say that in spite of the fact that my own sense of order indicates to me that we should pass as many appropriations bills as possible before the 1st of October, with the goal that there be no continuing resolution whatsoever or, at the minimum, that it include as few subject matters of appropriations as possible. Nevertheless, I think that that very sense of order which calls for the passage of individual appropriations bills also calls for the passage of those bills to be preceded by the passage of a final first budget resolution.

I find unappealing the proposition that we should simply conform a budget resolution to the passage of appropriations bills after they are in fact completed. I note my friend and colleague, the Senator from Alaska, is on the floor. I noted, when I was home over the weekend, a story in the Seattle Times quoting him as saying that the eventual appropriations for the Department of Defense would represent a compromise between the present positions of the House and the Senate and would represent approximately a 5-percent increase in the real appropriation for defense. I believe that my friend, the Senator from Alaska, was correct in that observation, but I believe very firmly that it is the duty of this body and of the House of Representatives to set the parameters for that debate on the defense budget in a budget resolution.

As a consequence, it seems to me, in order to get the attention of both the House and the Senate and of the administration for the proposition that the conference on the budget should meet, should negotiate seriously, should take its responsibilities to settle all unsettled questions with relation to the 1985 budget in mind and should come up with a resolution which is realistic, both with respect to domestic spending programs and with respect to the budget resolution, that in order to do that—in order to bring attention to the necessity for that occurrence—the Senator from Florida is, I regret to say, correct in holding up this budget waiver at this time. I announce my intention to vote against cloture in order that he may continue to bring the attention of this body to that most important and most vital of subjects before the Senate at the present time.

Just how long it is appropriate for such a discussion to continue I cannot say at the present time. But it is certainly appropriate that he should have brought it before us last Wednesday. It is appropriate and proper that he get an answer to his question to the leadership as to its intentions with respect to the budget resolution. And it is, I may say, proper and appropriate that he get an affirmative answer to those questions, an answer which indicates that it is the intention of the leadership seriously to pursue the budget resolution for the purposes for which it was originally designed; that is to say, to set an outline of both spending and of revenue programs for 1985 and for succeeding years.

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

Mr. CHILES. I yield the distinguished Senator a few more minutes to engage in a colloquy.

I thank the Senator from Washington for his statement. I thank him for standing on the floor today and speaking against the cloture motion. He has certainly been a very valuable member of the Budget Committee, and has always shown that he feels the importance of that process is something that we should try to protect. I know the Senator understands. I have no desire to hold up any appropriation bills. I am on the Appropriations Committee. I blanche at the time the years went by without passing the appropriation bills on time. But the Budget Committee gave us the responsibility of trying to set the pattern for those appropriation bills. That is important. Maybe it would run this year with the agreement between the White House and the majority. It might run fine. But what that will do in future years is something that certainly frightens and concerns the Senator from Florida. I am delighted that it also concerns the Senator from Washington.

Mr. GORTON. The Senator from Florida has made a very good point which I missed in my opening position; that is, that the Senator from Florida is not attacking this specific agriculture appropriation bill. I believe I was presiding over the Senate when the Senator from Florida indicated his approval of the bill.

Mr. CHILES. That is correct.

Mr. GORTON. I approve of this bill. I think it is a responsible and appropriate appropriation for the Department of Agriculture. But it occurred to the Senator from Florida that it is even more appropriate as a method to discuss this important question, important both procedurally and substantively.

Mr. CHILES. I thank the Senator from Washington.

Mr. President, Parliamentary inquiry. How much time does the Senator from Florida have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. CHILES. I ask unanimous consent that the call for the quorum be charged against the majority side.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. CHILES. 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. CHILES. 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. CHILES. Mr. President, I ask unanimous consent that a letter from former Congressmen Bob Giaimo and John Rhodes on behalf of the Committe for a Responsible Federal Budget be inserted in the RECORD, before the vote. They state that "Congress should adopt a budget before it begins consideration of individual spending bills." That is the key point I have been trying to make during this debate. It is not partisan, as this joint letter indicates.

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

COMMITTEE FOR A RESPONSIBLE FEDERAL BUDGET,
Washington, DC, August 3, 1984.

Hon. PETE V. DOMENICI, *Chairman,*
Hon. LAWTON CHILES, *Ranking Member,*
Committee on the Budget, U.S. Senate,
Washington, DC.

DEAR PETE AND LAWTON: Section 303 of the Budget Act is intended to ensure that spending and revenue legislation does not exceed the amounts contained in the budget resolution. Congress should adopt a budget before it begins consideration of individual spending bills.

If you waive § 303 of the Budget Act so the Senate can pass appropriations bills before you adopt a conference agreement on the budget resolution, you may well reduce

substantially the pressure to reach agreement on the resolution. In our judgment that would be a mistake.

We understand the difficulty you face. Conferences on budget resolutions are always contentious. But if the defense issue is intractable right now, perhaps you should resort to a "reserve clause" approach to solving that problem—much as you solved the problem of the countercyclical funds favored by the House last year. Budget conferees have faced many very difficult problems in the past, and the reserve clause is only one example of ways in which they have resolved those problems. And the problems this year must be solved. It is imperative that Congress adopt a budget.

If there is anything we can do that would be helpful toward that objective, please let us know.

Best regards,

ROBERT N. GIAIMO.

Mr. CHILES. Mr. President, how much time does the Senator from Florida have left?

The PRESIDING OFFICER. The Senator from Florida has 6 minutes remaining.

Mr. CHILES. I thank the Chair.

Mr. President, the time on this question has been equally divided, 1 hour of debate on both sides. The Senator from Florida has been speaking on the motion to waive. A distinguished member of the Budget Committee, the Senator from Washington, also came to the floor and spoke eloquently against the motion to waive. It seems to me our position is unassailable. In fact, no one has even showed up to try to argue the other side. It seems to me, Mr. President, it is pretty clear that if there is not even a meritorious argument that can be made as to why we should be invoking cloture, then the Senate should not do that at this time. I happen to agree with that proposition.

I can well understand why nobody decided to come to the floor from the other side. I was hoping to be able to engage someone in a discussion over the cloture issue. I was hoping to read some of the statements which were made when we passed this Budget Act, such as when the distinguished Senator from Texas [Mr. TOWER], the chairman of the Armed Services Committee, expressed his support for the conference report on the budget reform bill. He said that this legislation establishes some rational mechanisms for performing our constitutional duty with respect to the appropriating process. By enacting a definite time frame to consider overall spending limitations, the Congress will be achieving the first step on the road back to respectability.

Mr. MOYNIHAN. Will the distinguished Senator yield for a question?

Mr. CHILES. I shall be happy to yield to my good friend from New York, a member of the Budget Committee.

Mr. MOYNIHAN. Mr. President, I spoke to the matter the Senator is addressing for an hour on Thursday afternoon and did not see a single Member of—I must say I referred to it as the silent and absent majority. Has the Senator from Florida had any response to his efforts to discuss and debate this matter since it began?

Mr. CHILES. Mr. President, there have been some statements made by people who support the cloture motion. I say to my good friend from New York that a statement was made today by the Senator from Washington, who happens to be of the other party but he supports the proposition of the Senator from New York and the Senator from Florida; so I do not think this is a partisan proposition. What we are talking about now is between those people who feel that the Budget Act has merit, that it should survive and should not be allowed to be destroyed, and those people who think expediency would be a better policy and that we do not have to follow the Budget Act.

I thank the Senator from New York.

The point I was trying to make when I started this educational debate is that there are 64 Senators who were not here when we passed the Budget Act. I can understand that those 64 Senators might not appreciate some of the problems we had up until 1974, when we passed that Budget Act. I felt it was necessary that we try to explain that to them.

I happen to know that some Senators are concerned because this is the agriculture bill. I repeat, I support this bill. I am not trying to hold up this bill. I think it is a good bill. I think people have worked hard on it.

But I am saying I know it will be difficult to explain back home to my farmers why I voted against cloture the first time on the agriculture appropriations bill. That is why we do not get anything done around here, because everybody has to worry about how they explain something 1 day at a time. I am just calling on the Members of this body to really search their consciences and determine, this being the only law that we have to restrain spending, this being the only act that is on the books, that we should not throw it into the waste can. Should we discard it. Or should we simply say to those powers that are in control, just tell us to go to that Budget Committee and complete the work; just tell us to go to that conference committee.

Mr. MOYNIHAN. Mr. President, will the Senator yield for one more question?

Mr. CHILES. I should be happy to yield.

Mr. MOYNIHAN. He said Members should vote their consciences. But are we not voting here to abide by the law?

Mr. CHILES. I hope most Members' consciences would equate with the law.

Mr. MOYNIHAN. Extend to abiding by the law. We make the laws; surely, we ought abide by them.

Mr. CHILES. Mr. President, I think the Senator from New York is right. I think this is a very important point because if, for expediency, we waive the Budget Act on all of these appropriations bills now, we are making a mistake. Now we are doing it because parties cannot agree on roughly a $7 billion figure. The House has offered $292 billion; the Senate majority is sticking at $299 billion. That is the whole thing we are waiting on.

The distinguished chairman from New Mexico said $294 billion would be a fair figure, 5 percent. So that would even make the dispute over $2 billion. That is the range.

For that range, we are going to risk destroying this process. The next President who comes along may not have a hangup on defense; it may be some major domestic spending program. We could be setting a precedent in which people might say well, after all, they did not agree back there in 1984, they did not have a budget resolution and they went along without one; why do we need one now?

It seems to me I have heard this President say time after time, "I want a constitutional amendment so we can balance the budget." How long is it going to take us to get that consitutional amendment ratified through the States? Yet here we have the proposition that will allow us to at least see that we do not enact new programs, to at least see that we come up with some resolution as to what spending should be, that we at least place some control on what overall spending is going to be. That is the opportunity in this vote.

I hope that cloture will not be voted. I hope that the majority leader would then say to the distinguished chairman of the Budget Committee and to me, "Go to that conference committee and stay there until you work out a fair figure, and then bring it back."

(Mr. BAKER addressed the Chair.)

Mr. CHILES. Mr. President, I think if we had that, we would have a budget resolution. We would have a pattern into which we could fit these bills, and I think we would be much further long in the process than we are now.

Has the Senator's time expired?

The PRESIDING OFFICER (Mr. DENTON). All time has expired. The time of 5 o'clock having arrived, the Chair recognizes the majority leader.

Mr. BAKER. Mr. President, the time has expired. We ought to vote.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 5 p.m. having arrived, under

the previous order the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baker motion to waive section 303(a) of the Budget Act for consideration of H.R. 5743, an act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes, as reported.

Senators Howard Baker, Ted Stevens, John Heinz, Chic Hecht, Strom Thurmond, Charles Mac Mathias, Mark Hatfield, Mack Mattingly, Bob Kasten, James Abdnor, Alfonse D'Amato, Pete Domenici, Jesse Helms, Paul Laxalt, Bob Dole, Thad Cochran, and Arlen Specter.

VOTE

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived. The question is, Is it the sense of the Senate that debate on the motion to waive section 303(a) of the Budget Act for consideration of H.R. 5743, an act making appropriations for agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, shall be brought to a close. The yeas and nays are required and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DECONCINI. Mr. President, on this vote I have a pair with the Senator from New Jersey [Mr. BRADLEY]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. BURDICK. Mr. President, on this vote I have a pair with the Senator from California [Mr. CRANSTON]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. STEVENS. I announce that the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Florida [Mrs. HAWKINS], the Senator from Idaho [Mr. MCCLURE], and the Senator from Illinois [Mr. PERCY] are necessarily absent.

Mr. BYRD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from California [Mr. CRANSTON], the Senator from Vermont [Mr. LEAHY], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BAUCUS] would vote "nay."

On this vote, the Senator from Oklahoma [Mr. BOREN] is paired with the Senator from Massachusetts [Mr. TSONGAS].

If present and voting, the Senator from Oklahoma would vote "yea" and the Senator from Massachusetts would vote "nay."

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

The yeas and nays resulted—yeas 54, nays 31, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—54

Abdnor	Hatfield	Pryor
Andrews	Hecht	Quayle
Armstrong	Heflin	Randolph
Baker	Heinz	Roth
Boschwitz	Helms	Rudman
Chafee	Huddleston	Simpson
Cochran	Jepsen	Specter
D'Amato	Kassebaum	Stafford
Danforth	Kasten	Stevens
Denton	Laxalt	Symms
Dole	Lugar	Thurmond
Domenici	Mathias	Tower
East	Mattingly	Trible
Exon	Murkowski	Wallop
Ford	Nickles	Warner
Garn	Packwood	Weicker
Goldwater	Pell	Wilson
Hatch	Pressler	Zorinsky

NAYS—31

Biden	Hart	Metzenbaum
Bingaman	Hollings	Mitchell
Bumpers	Humphrey	Moynihan
Byrd	Inouye	Nunn
Chiles	Johnston	Proxmire
Dixon	Kennedy	Riegle
Dodd	Lautenberg	Sarbanes
Eagleton	Levin	Sasser
Evans	Long	Stennis
Glenn	Matsunaga	
Gorton	Melcher	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

DeConcini, for.
Burdick, for.

NOT VOTING—13

Baucus	Cranston	McClure
Bentsen	Durenberger	Percy
Boren	Grassley	Tsongas
Bradley	Hawkins	
Cohen	Leahy	

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 31. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is not agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHILES. 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. CHILES. Mr. President, I understand the majority leader wanted to make a statement before everybody left and I think Senators would want to hear that.

Mr. BAKER. I thank the Senator. If the Senator will yield for a moment.

The PRESIDING OFFICER. The Senate is not in order. The Chair recognizes the majority leader.

Mr. BAKER. I thank the Chair.

Mr. President, we did not get cloture by six votes, I guess. We had a number of absentees on both sides. I remain hopeful that, at some point, we can get cloture. In any event, there will not be any more rollcall votes today.

May I say that I am now having conversations with the minority leader on whether or not we can get the supplemental appropriations bill tomorrow. Senators should know that there will be another cloture attempt on this motion. I have a motion prepared. I am not prepared to file it yet. I want to see how we arrange the sequence and schedule for the balance of this week. I will have a further announcement to make a little later about whether we will be on this motion or whether we will be on the supplemental appropriations bill in the morning.

But, in any event, there will not be any more rollcall votes today.

Mr. FORD. Will the distinguished majority leader yield for a question?

Mr. BAKER. I do not have the floor, but I will be happy to yield if the Senator from Florida would permit.

Mr. CHILES. I am happy to yield to the Senator from Kentucky.

Mr. FORD. Mr. President, tomorrow is the funeral of the late Congressman CARL PERKINS, the distinguished chairman of the House Education and Labor Committee. Several of our colleagues in the Senate will be attending that funeral. I would be grateful to the majority leader if he could delay some votes so that those of us who attend that funeral will not miss the votes, because I think it is almost mandatory that I be there.

Mr. BAKER. Mr. President, I thank the Senator. I will not prolong this but to say that I am among those, including the Senator who just spoke, in my profound admiration for our colleague in the House, Chairman PERKINS. He has been a friend for many years. He was a friend of my father's. The Congress suffered a great loss when he died. I fully understand the requirements of the Senator from Kentucky and I assure him every effort will be made to see that he is not discommoded by attending the funeral.

Mr. FORD. I thank the majority leader and I thank the distinguished Senator from Florida.

Mr. CHILES. Mr. President, the Senate has defeated the vote for cloture. Once again I ask for a compromise. We had a 49-49 tie vote here in an attempt to determine a reasonable defense number. We now have a vote against cloture. I think it would be very easy to put this behind us if we would simply have the conferees on the Budget Committee instructed to go to the House and sit down there

and stay until they work out a conference.

The Finance Committee worked long and hard overnight, more than one night, for hour after hour. The budget conferees have had just four meetings in over 2 months. Three of those meetings lasted well under an hour; only one lasted shortly over an hour. We are hung up on one particular number. The difference right now is $7 billion out of $300 billion. That is what we are arguing about. So, for that number, we are jeopardizing the whole budget process. We have not passed any kind of budget ceiling.

Mr. President, to underscore the issue the CBO came out with its updated report today. It shows that the economy is growing faster than we thought. But that report scares me to death because it shows we are going from deficits of $172 billion in 1984 to $263 billion in 1989.

Those numbers take into account the downpayment. So we are not talking about before the downpayment. We are talking about after the downpayment. In fact, it shows that the interest rates will double from $110 billion to $220 billion by 1989. In fact, the additional interest we will pay between now and 1989 takes all the money out of the downpayment. All of that is eaten up with interest.

Mr. President, I know you have seen these little machines where Pac Man eats up everything. Interest is eating everything in this country today. It is eating the program for education. It is eating the program for defense. When interest gets to be $210 billion it is almost as big as defense. It is already bigger than all the health care programs we have today.

The CBO figures, it is interesting to note, provide the full employment figure. That means 6 percent. We call that full employment when we get to 6-percent unemployment. And when you look at their numbers for full employment, you are beginning to pinpoint the structural deficit. It assumes you have got yourself to full employment, but even then you would still have a $112 billion deficit in 1984, and in 1989 you would have $246 billion—a quarter of a trillion dollars.

See if you can get your mind around that. I do not think you can. CBO also says the national debt will double over the next 5 years. It will go from $1½ trillion to $3 trillion in 5 years. What those figures show is that even with "full employment" you cannot grow your way out of trouble. So like the proprietor in the store pays, you cannot make it up with the volume. The faster you go, the more you are going in the hole.

The only way you are going to make it up is do something serious in an attempt to cut spending, and do something serious on the revenue side. Goodness knows, this is not the time to abandon the only toll we have—the Budget Act. It is the only tool we have to help us get pointed in the proper direction.

I thank the Senators for their vote today. I hope we can continue, if necessary, to educate the Members of the Senate—those 64 Members—that were not here when the Budget Act passed. As I say, all of this could be alleviated very, very quickly. It could be alleviated if we were to be instructed to go to conference and to stay there until we reach agreement. As the Senator from Louisiana said in the Finance Committee, people went into that Finance Committee meeting and, said, "I will never vote for new revenue." After 12 hours they said, "I do not want to vote for new revenue." After 24 hours they said, "I had to vote for new revenue to get out of here."

That could be done on this. We could go in there saying I will never vote for lower defense, or the House saying I will never vote for a higher defense. But if you put us in that room and tell us to stay until we do it, we would do it, and we abide the Budget Act. This country would be better for it.

CLOTURE MOTION

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I send a cloture motion to the desk, and ask 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:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baker motion to waive section 303(a) of the Budget Act for consideration of H.R. 5743, an act making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, and for other purposes, as reported.

Senators Howard Baker, Ted Stevens, Alphonse D'Amato, Mark Andrews, Mack Mattingly, Frank H. Murkowski, Charles Mac Mathias, Strom Thurmond, Thad Cochran, Bob Dole, Mark Hatfield, Bob Kasten, Paul Trible, Bob Packwood, Rudy Boschwitz, and John H. Chafee.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, if I could have the attention of the minority leader, who is on the floor for just a moment, I think we have completed all that we can profitably do on this measure tonight, and I am prepared to put us into a period for the transaction of routine morning business.

Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until not later than 6:15 p.m. in which Senators may speak for not more than 3 minutes.

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

MESSAGE FROM THE HOUSE

At 4:41 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1224. An act to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 905. An act to establish the National Archives and Records Administration as an independent agency.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1904) 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; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. PERKINS, Mr. GAYDOS, Mr. BIAGGI, Mr. SIMON, Mr. MILLER of California, Mr. MURPHY, Mr. CORRADA, Mr. WILLIAMS of Montana, Mr. ECKART, Mr. ERLENBORN, Mr. GOODLING, Mr. COLEMAN of Missouri, Mr. BARTLETT, and Mr. MCCAIN as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 5151. An act to alleviate hunger in the United States by strengthening Federal nutrition programs;

H.R. 5399. An act to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

H.R. 5851. An Act to amend the Wild and Scenic Rivers Act to designate a segment of the Cache la Poudre River in Colorado for potential addition to the National Wild and Scenic Rivers System;

H.R. 5973. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes; and

H.J. Res. 453. Joint resolution designating the week of September 30, through October 6, 1984, as "National High-Tech Week".

The message further announced that the House has agreed to the following resolution:

H. Res. 566. A resolution relative to the death of the Honorable Carl D. Perkins, a Representative from the State of Kentucky.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 268. An act to authorize the Secretary of the Interior to construct, operate, and maintain certain facilities at Hoover Dam, and for other purposes;

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; and

S.J. Res. 272. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to invasion of Poland during World War II.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5851. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Cache la Poudre River in Colorado for potential addition to the Nation Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

H.R. 5973. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

MEASURE PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5399. An act to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MEASURES HELD AT THE DESK

Pursuant to the order of the Senate of August 1, 1984, the following joint resolution was held at the desk by unanimous consent:

H.J. Res. 453. Joint resolution designating the week of September 30 through October 6, 1984, as "National HighTech Week".

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 5151. An act to alleviate hunger in the United States by strengthening Federal nutrition programs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance:

Report to accompany the bill (H.R. 4280) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses and dependents by taking who work both in and outside the home, and for other purposes (Rept. No. 98-575).

By Mr. DANFORTH, from the Committee on Governmental Affairs, with amendments:

S. 2433. A bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes (Rept. No. 98-576).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2160. A bill to establish a National Fisheries Marketing Council to enable the U.S. fish industry to establish a coordinated program of research, education, and promotion to expand markets for fisheries products, and for other purposes (Rept. No. 98-577).

By Mr. HATFIELD (for Mr. McCLURE), from the Committee on Appropriations, with amendments:

H.R. 5973. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-578).

By Mr. BAKER (for Mr. McCLURE), from the Committee on Energy and Natural Resources, with an amendment:

S. 2846. An original bill to authorize 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 (Rept. No. 98-579).

By Mr. BAKER (for Mr. McCLURE), from the Committee on Energy and Natural Resources, with amendments:

H.R. 9. A bill to designate components of the National Wilderness Preservation System in the State of Florida (Rept. No. 98-580).

By Mr. BAKER (for Mr. McCLURE), from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2155. A bill to designate certain national forest system lands in the State of Utah for inclusion in the National Wilderness Preservation System to release other forest lands for multiple use management, and for other purposes (Rept. No. 98-581).

By Mr. DANFORTH, from the Committee on Governmental Affairs, without amendment:

S. Res. 426. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2433.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 427. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2160.

REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 3, 1984, the following reports of committees were submitted on August 3, 1984, during the adjournment of the Senate:

By Mr. DOMENICI, from the Committee on the Budget, without recommendation and without amendment:

S. Res. 420. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1668 (Rept. No. 98-571).

S. Res. 421. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 806 (Rept. No. 98-572).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. 648. A bill to facilitate the exchange of certain lands in South Carolina (Rept. No. 98-573).

S. 2732. A bill to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, Michigan, as a component of the National Wild and Scenic Rivers System (Rept. No. 98-574).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 422. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 3787.

S. Res. 423. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 4596.

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate on August 3, 1984, the following executive reports of committees were submitted on August 3, 1984, during the adjournment of the Senate:

By Mr. PERCY, from the Committee on Foreign Relations:

Jorge L. Mas, of Florida, to be a member of the Advisory Board for Radio Broadcasting to Cuba for a term of 2 years (Exec. Rept. No. 98-41).

Howard Bruner Schaffer, of New York, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the People's Republic of Bangladesh (Exec. Rept. No. 98-42):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Howard B. Schaffer.

Post: Dhaka, Bangladesh.

Contributions, amount, date, and donee:

1. Self: Howard B. Schaffer, none.
2. Spouse: Teresita C. Schaffer, none.
3. Children and spouses names: Michael C. Schaffer, none, Christopher S. Schaffer, none.
4. Parents names: I. M. Schaffer, none, Minnie R. Schaffer, none.
5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Doris S. O'Brien, none, Everett J. O'Brien, none.

Paul Fisher Gardner, of Texas, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to Papau New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States to the Solomon Island (Exec. Rept. No. 98-43):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Paul F. Gardner.

Post: Ambassador to Papua New Guinea and Solomon Island.

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Amada Jane Gardner, none.

4. Parents names: Maurine Gardner, none.

5. Grandparents names: Deceased, none.

6. Brothers and spouses names: Pat H. Gardner: $100, February 25, 1980, Republican National Committee [RNC]; $200, April 24, 1980, Texans for Judge Will Garwood; $150, May 9, 1980, RNC; $100, August 1, 1980, Loeffler Campaign 80 Committee; $100, August 1, 1980, RNC; $200, December 17, 1980, RNC 1981 Campaign Membership Fund; $500, December 3, 1981, Loeffler Campaign 82; $200, December 22, 1981, RNC/1982 Campaign Membership Fund; $50, April 2, 1982, Lloyd Bentsen Election Committee; $250, April 2, 1982, RNC; 50, March 4, 1983, Bob Kirkpatrick Campaign; $250, August 17, 1983, Judge Franklin S. Spears Campaign; $500, October 17, 1983, Krueger of Texas Primary Campaign; $100, January 23, 1984, RNC; $50, February 13, 1984, GOP Victory Fund; $50, March 16, 1984, William J. Thornton, Trustee; $200, March 27, 1984, Kruger of Texas Primary Campaign. Carole B. Gardner, none.

7. Sisters and spouses names: None.

Robert J. Ryan Jr., of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Mali (Exec. Rept. No. 98-44):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert J. Ryan, Jr.

Post: Ambassador to Mali.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Clare P. Ryan, none.

3. Children and spouses names: Sean Ryan, none, Susan Ryan, none.

4. Parents names: Robert J. Ryan: $50, January 23, 1980, Democratic National Campaign Committee; $100, March 4, 1980, George Bush for President Campaign; $50, July 13, 1980, George Bush for President Campaign; $50, October 20, 1980, Democratic Party; $20, October 20, 1980, Tom Brown State Representative Campaign; $25, October 21, 1980, Bronson School Board Campaign; $25, March 27, 1982, Democratic Congressional Campaign Committee; $25, March 27, 1982, Republican National Committee; $15, August 1, 1982, Republican National Committee; $10, August 1, 1982, Democratic Congressional Campaign; $15, September 12, 1982, Republican National Committee; $25, August 11, 1982, Massicler for County Council; $25, September 20, 1982, Massicler for County Council; $25, December 27, 1982, Republican National Committee; $25, April 4, 1983, Republican National Committee; $25, April 4, 1983, $25, April 4, 1983, Democratic Congressional Committee; $20, September 26, 1983, Democratic National Committee; $20, September 26, 1983, John Glenn Presidential Campaign; $20, October 26, 1983, John Glenn Presidential Campaign; $15, November 25, 1983, Democratic National Committee; $20, January 24, 1984, Fund for Democratic Majority; $15, January 28, 1984, Democratic Congressional Committee; $25, January 28, 1984, Republican National Committee. Mary O. Ryan, none.

5. Grandparents names: deceased.

6. Brothers and spouses names: Thomas W. Ryan, none, Vicki Ryan, none.

7. Sisters and spouses names: none.

Paul H. Boeker, of Ohio, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Hashemite Kingdom of Jordan (Exec. Rept. No. 98-45):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Paul H. Boeker.

Post: Ambassador to Jordan.

Contributions, amount, date, and donee:

1. Self: Paul H. Boeker: None.

2. Spouse: Margaret C. Boeker, $35, February 21, 1984, Charles Pency.

3. Children and spouses names: Michelle, Kent and Katherine Boeker, none.

4. Parents names: Victor W. Boeker, none.

5. Grandparents names: None.

6. Brothers and spouses names: Mr. and Mrs. Ralph W. Boeker, $100 annually, Republican National Committee, Mr. and Mrs. Bruce E. Boeker, none.

7. Sisters and spouses names: None.

Richard Wood Boehm, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Cyprus (Exec. Rept. No. 98-46):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Richard W. Boehm.

Post: Ambassador to Cyprus.

Contributions, amount, date, and donee:

1. Self: None

2. Spouse: Deceased, none.

3. Children and spouses names: Son, Stephen Boehm and his spouse, Rosalba, none, daughters, Karen Boehm Fisher and her spouse, James Fisher, none.

4. Parents names: Mother Kathryn Boehm, none, Father (deceased), none.

5. Grandparents names: All deceased, none.

6. Brothers and spouses names: No brothers.

7. Sisters and spouses names: Sister Marion Wolf and her spouse, Robert Wolf, None, sister Betty Shave and her spouse, William Shave: Not available.

Maynard W. Glitman, of Vermont, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during the tenure of his service as the Representative of the United States of America for Mutual and Balanced Force Reductions Negotiations (Exec. Rept. No. 98-47):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Maynard W. Glitman.

Post: Ambassador, Head of U.S. Delegation to Mutual and Balanced Force Reduction Negotiations.

Nominated: April 27, 1984.

Contributions, amount, date, and donee:

1. Self: Maynard W. Glitman, none.

2. Spouse: G. Christine Glitman, none.

3. Children and spouses names: Russell, Erik, Karen, Matthew, Rebecca, none.

4. Parents names: Ben Glitman, none.

5. Grandparents names: Mrs. Max Kutok, none.

6. Brothers and spouses names: Joseph S. Glitman, none, Geraldine Glitman, none.

7. Sisters and spouses names: Paula Glitman, none.

Alan Wood Lukens, of Pennsylvania, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the People's Republic of the Congo (Exec. Rept. No. 98-48):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Alan W. Lukens.

Post: Brazzaville.

Contributions, amount, date, and donee:

1. Self: Alan W. Lukens, none.

2. Spouse: Susan Lukens, none.

3. Children and spouses names: Lewis, Susan, Frances and Timothy, none, no spouses.

4. Parents names: Deceased, 1948 & 1961.

5. Grandparents names: Deceased.

6. Brothers and spouses names: No brothers.

Sisters and spouses names: Mrs. James G. Hays (widow), $50, 1983, Senator Tsongas Massachusetts, $25, 1983, Democratic National Committee, Mr. & Mrs. Stuart Saunders, $25, 1982, Governor Dukakis Massachusetts, $25, 1982, Democratic Senate Committee.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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

Bruce D. Beaudin of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia (Exec. Rept. 98-49).

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. PROXMIRE:

S. 2906. A bill to amend the Export-Import Bank Act of 1945 to halt the recent, rapid erosion of the Bank's capital base and thus to ensure that the Bank remains a credible institution for combating the subsidized financing of exports by foreign governments; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GLENN:

S. 2907. A bill to suspend for a 3-year period the duty on certain metal umbrella frames; to the Committee on Finance.

By Mr. PRYOR:

S. 2908. A bill to correct a flaw in the UBTI provisions of the Internal Revenue Code; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. PELL, Mr. BRADLEY, and Mr. METZENBAUM):

S. 2909. A bill to increase the availability of educational television programming for children; to the Committee on Commerce, Science, and Transportation.

By Mr. THURMOND (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. COCHRAN, Mr. DENTON, Mr. TRIBLE, Mr. DANFORTH, Mr. MATHIAS, Mr. ROTH, Mr. PRYOR, Mr. BENTSEN, Mr. SASSER, Mr. D'AMATO, Mr. STENNIS, Mr. CHILES, Mr. BURDICK, Mr. LONG, Mr. NUNN, Mr. GLENN, Mr. MATTINGLY, Mr. HEFLIN, Mr. JOHNSTON, Mr. BIDEN, Mr. EAST, Mr. HUDDLESTON, Mr. LAXALT, Mr. HART, Mr. HEINZ, Mr. BAKER, Mr. DOLE, Mr. PRESSLER, Mr. RIEGLE, Mr. WILSON, Mr. SPECTER, and Mr. NICKLES):

S.J. Res. 340. Joint resolution to designate the week of September 23, 1984 as "National Historically Black Colleges Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DANFORTH:

S. Res. 426. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2433; from the Committee on Governmental Affairs; to the Committee on the Budget.

By Mr. PACKWOOD:

S. Res. 427. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2160; from the Committee on Commerce, Science, and Transportation; to the Committee on the Budget.

By Mr. BAKER (for Mr. HUDDLESTON (for himself and Mr. FORD)):

S. Res. 428. Resolution relative to the death of Representative CARL PERKINS, of Kentucky; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. COHEN):

S. Con. Res. 132. Concurrent resolution congratulating Joan Benoit of Freeport, Maine for winning a gold medal in the XXIII Olympiad; placed on the calendar by unanimous consent.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 2906. A bill to amend the Export-Import Bank Act of 1945 to halt the recent, rapid erosion of the Bank's capital base and thus to ensure that the Bank remains a credible institution for combating the subsidized financing of exports by foreign governments; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. PROXMIRE and the text of this legislation appear earlier in today's RECORD.)

By Mr. GLENN:

S. 2907. A bill to suspend for a 3-year period the duty on certain metal umbrella frames; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN METAL UMBRELLA FRAMES

● Mr. GLENN. Mr. President: I rise today to join my colleague from the House, Representative MARCY KAPTUR, by introducing a bill to suspend for a 3-year period the duty on imported rain umbrella frames. The current 15-percent duty hurts rather than helps domestic manufacturers because handheld umbrella frames are no longer produced in this country. In fact, with 95 percent of all umbrellas sold in the United States being manufactured overseas, this duty only adds further injury to what remains of an already hard-pressed domestic industry.

What does remain, Mr. President, are eight American rain-umbrella manfacturers who rely almost entirely upon frames from Taiwan. In 1983, Taiwan lost its GSP status because it accounted for more than 50 percent of the imports of umbrella frames and its trade exceeded $1.3 million. As a result, a 15-percent duty was imposed on frames imported from Taiwan. Although well-intended, this action will have unfortunate consequences for American companies.

If the duty on frames is not suspended, manufacturers will be forced to raise their prices which may well force them out of the business—and this country can ill afford to take that kind of risk. Mr. President, our domestic umbrella manufacturers clearly need our help and this help must come soon.

By suspending the duty on handheld rain umbrella frames for 3 years, many American jobs will be saved and the industry will be given a fighting chance to survive. Mr. President, this is a simple bill that will offer needed help to a struggling industry. I ask for its prompt consideration and urge my colleagues to join me in supporting this commonsense measure.●

By Mr. PRYOR:

S. 2908. A bill to correct a flaw in the UBTI provisions of the Internal Revenue Code; to the Committee on Finance.

CORRECTIONS TO UBTI PROVISIONS OF THE INTERNAL REVENUE CODE

Mr. PRYOR. Mr. President, today I am introducing a bill to correct a flaw in the unrelated business taxable income provisions of the Internal Revenue Code—also known as UBTI provisions—and thereby increase the ability of nonprofit organizations to raise badly needed money for their charitable work. I know many Members of the Senate are familiar with the issues addressed by my legislation, since we approved similar legislation on April 12 of this year during consideration of the Deficit Reduction Act. Along with some other meritorious provisions, however, the proposal we adopted was dropped in conference.

Mr. President, many charitable organizations raise money through contributions received through the mail. In order to continue fund-raising activities, these organizations must maintain up-to-date mailing lists. Otherwise, attrition would soon deplete contributions and thereby force an organization to curtail its programs. Therefore, organizations frequently exchange lists with other nonprofit organizations. Some national organizations, like the Disabled American Veterans, which has a larger list than most, also rent their mailing lists to others, thereby making it possible to maintain the donor group and continue to raise the funds required for charitable activities. Clearly, Mr. President, such rental or exchange of a mailing list is directly related to the charitable work of a nonprofit organization, and as such, should not be subject to the tax imposed on unrelated business taxable income.

The unrelated business taxable income provisions are in the Tax Code for a good reason, Mr. President. They are designed to tax an exempt organization like any other business entity if the exempt organization engages in an activity outside the scope of its charitable activities. I generally support these provisions because they act to prevent an exempt organization from gaining a competitive advantage over a private business when the two are engaged in head-to-head competition. However, the rental or exchange of a mailing list with another charity, Mr. President, seems to me to be clearly within the scope of an exempt organization's activities, and therefore, should not be subject to the unrelated business taxable income provisions. Unfortunately, the Internal Revenue Service and the Treasury Department have decided otherwise.

The bill I'm introducing today will provide exemptions from UBTI for two narrowly defined types of transactions. First, a congressionally chartered organization such as the DAV will not be subject to the tax on UBTI when it rents or exchanges its mailing list with another nonprofit organization contributions to which are deductible under section 170 of the Internal Revenue Code. Second, other exempt organizations contributions to

which are deductible under section 170 would not realize UBTI when they exchange mailing lists with similar organizations. Transactions not covered under one of these two exceptions would continue to be subject to the unrelated business taxable income provisions.

Mr. President, it seems to me that this is the least we can do to help charitable organizations, which, as we all know, provide valuable services to many, many people. We all support charities, and give speeches about the good work they do, and now we have an opportunity to help charities raise additional money to carry out their activities. I hope we can have a hearing on this measure this year, and that the Select Revenue Measures Subcommittee in the House will also consider this legislation promptly. The revenue loss resulting from this proposed change would be very small—less than $5 million annually—while at the same time the benefit to many charitable organizations around the country would be very great.

Mr. President, I urge my colleagues to support this effort, and I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 2908

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

(a) That Section 513 of the Internal Revenue Code of 1954 (relating to unrelated trade or business) is amended by adding at the end thereof the following new subsection:

"(h) EXCHANGES AND RENTALS OF NAMES FROM DONOR LISTS OR MEMBERSHIP LISTS.—

"(1) GENERAL RULE.—For purposes of this section the term "trade or business" does not include the following activities:

"(A) In the case of an organization that is a private corporation established under federal law, any rental or exchange of a donor or membership list to the organization described in Section 501, contribution to which are deductible under Section 170; or

"(B) In the case of any other organization described in Section 501, contributions to which are deductible under Section 170, any exchange of a donor or membership list with a similar organization.

"(2) DEFINITION.—For purposes of this subsection, the term 'private corporation established under federal law' means an organization which is subject to sections 2 and 3 of the Act of August 30, 1964 (36 U.S.C. 1102, 1103)."

(b) The amendment made by subsection (a) shall apply to taxable years ending after the date of enactment of this Act.

By Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. PELL, Mr. BRADLEY, and Mr. METZENBAUM):

S. 2909. A bill to increase the availability of educational television programming for children; to the Committee on Commerce, Science, and Transportation.

CHILDREN'S TELEVISION EDUCATION ACT

● Mr. LAUTENBERG. Mr. President, today I introduce the Children's Television Education Act of 1984 to move our Nation's television broadcasters to better serve the educational and informational needs of the children in their viewing audiences. I am joined by my colleagues, Senators INOUYE, PELL, BRADLEY, and METZENBAUM. The bill is quite simple. It would require a mere hour a day of programming designed to enhance the education of children.

While an hour a day may seem quite modest, the fact is that commercial broadcasters fall far short of that. Indeed, the reason this legislation is necessary is that broadcasters have failed to adequately serve the needs of children, and a majority on the Federal Communications Commission has abdicated its responsibility to do anything to remedy the situation.

Mr. President, we live in an information age. Electronic media play an increasing role in the lives of our children, their acculturation, and the formation of their views and values. Despite the advent of new technologies—in cable television, and video cassette players—broadcast television is still the most pervasive of the mass media. By the time an average student graduates from high school in our Nation, he or she will have spent more time watching television than in the classroom.

Study upon study has shown that television has the potential for enhancing the education of our children. I am not talking about dry, dull programming that a child will avoid. "Sesame Street"—produced on noncommercial television—is an entertaining, attractive program that children like to watch, and which educates them as well. A commercial program like "Roots" was entertaining, but it was edifying, and taught those who saw it something about the history of blacks in America. Other nations have recognized the educational potential of television. England, Sweden, Australia, and Japan, for example, mandate more than 10 hours a week of educational programming for children.

In the United States, broadcasters who utilize scarce electronic spectrum, under licensure by the Government, have an obligation to use that spectrum to serve the public interest. There should be little question that meeting the needs of children is part of a broadcaster's statutory obligation to serve the public.

Mr. President, that obligation has not been met. Prodded by advocates for children's television, the Federal Communications Commission conducted a major study, concluding in a declaration in 1974 that broadcasters had a "special and important obligation" to serve children, and that broadcasters should make a meaningful effort to increase children's programming. Yet, the amount of children's programming has dropped, from an average of 10.5 hours a week in 1974, to 4.4 hours a week in 1983, according to the FCC and a study by the House Telecommunications, Consumer Protection and Finance Subcommittee. There is no regularly scheduled weekday programming for children.

In response to this disturbing trend, Mr. President, the FCC this year concluded its 14-year proceeding on children's television by taking no action. It took no action despite a record that strongly suggested that children's programs were in short supply. As Commissioner Henry Rivera stated, in dissent, "At a time when the educational training and fitness of children are subject to increasing criticism, the committee's indifference is unfortunate, if not outrageous."

It is this failure of leadership, Mr. President, which the Congress must remedy. The legislation I introduce today is virtually identical to H.R. 4097, sponsored by the Representative from Colorado [Mr. WIRTH] and cosponsored by more than 70 of his colleagues.

Some may argue that requiring an hour a day of children's programming will not necessarily produce quality programming. I am not persuaded by this argument. Once broadcasters are required to attend to the children in their audience, market forces will drive them to attract as many young viewers as they can, and they will do that by airing attractive educational programming. Moreover, this bill would create an incentive for broadcasters to improve their performance respecting children's needs to assure renewal of their licenses. Unfortunately, the FCC has let broadcasters know that children's television does not matter very much.

Mr. President, I recognize that the approach offered in this bill is not the only way to ensure adequate educational programming for children. I am open to other alternatives that will satisfy the same goals. But, doing nothing is no answer. It is time for the Congress to address the public interest served by providing quality, educational programming for our Nation's children.

During this session of the Congress, the Senate has supported significant deregulation of broadcasters. Indeed, I joined in voting in the Senate Commerce Committee for S. 55, broadcast deregulation legislation. While I confessed at the time to some reservations, I still believe that broadcasters should be relieved of unnecessary, or unduly burdensome regulation. However, under no circumstances should they be relieved of their obligation to serve the public interest. In the case of children, this is what has happened. The tide must be turned.

I urge my colleagues to join in supporting 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. 2909

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 "Children's Television Education Act of 1984".

FINDINGS

SEC. 2. The Congress finds that—

(1) a series of expert commissions have documented serious shortcomings in our Nation's educational system, which will profoundly affect both the opportunities available to our Nation's children, and the ability of the United States to compete effectively in an international economy;

(2) by the time the average student graduates from high school, that child has spent more time watching television than in the classroom;

(3) the potential of television programing for making a major positive impact in improving the education of children has generally been overlooked;

(4) the educational potential of television is apparent because—

(A) children can learn a wide variety of information, skills, values, and behavior from television;

(B) it can be instrumental in giving children greater reading and mathematical proficiency; and

(C) it can simultaneously educate and entertain children, motivating them to learn about the world around them;

(5) commercial television does not currently provide any weekly or daily scheduled educational programing designed for children;

(6) the Federal Communications Commission in concluding its proceeding on children's television, has declined to take effective steps to increase educational programming designed for children on commercial television;

(7) despite diminishing Federal financial support, public broadcasting continues to provide the only significant educational programming for children broadcast on television;

(8) despite the advent of new electronic technologies, including cable television and video cassette players, broadcast television remains the most effective and pervasive mass medium; and

(9) it is in the public interest to significantly increase educational television programing designed for children.

SEC. 3. Part I of title III of the Communications Act of 1934 is amended by redesignating the last section as section 333 and by inserting before such section the following:

"CHILDREN'S TELEVISION PROGRAMMING

"SEC. 332. (a) It is the purpose of this section—

"(1) to further use the potential of television for the positive educational benefit of our Nation's children;

"(2) to encourage the development of educational programing for children; and

(3) to increase the amount of educational programing broadcast which is specifically designed for children.

"(b) Every television broadcast station shall broadcast each Monday through Friday a minimum of one hour per day of programing specifically designed to enhance the education of children.

"(c)(a) The commission shall prescribe such regulations as are necessary to carry out the purpose of this section.

"(2) Such regulations shall be initially prescribed not later than one hundred and eighty days after the date of the enactment of this section.

"(3) Beginning four years after such date of enactment, and periodically thereafter, the Commission shall review the effectiveness of the regulations prescribed under this section and, on the basis of such review, amend or supplement such regulations to the extent necessary to assure that such regulations carry out the purpose of this section. Such regulations may require a greater amount of broadcasting of children's educational television programing than is specified in subsection (b).".●

● Mr. METZENBAUM. Mr. President, I am pleased to join in cosponsoring the Children's Television Education Act of 1984.

As every parent, grandparent, aunt, uncle, or family friend knows—sometimes all too well—children spend a great deal of time watching television. Yet, the amount of educational programming aimed at children is dismally low.

Last year, the Subcommittee on Telecommunications of the House Energy and Commerce Committee sent out a questionnaire to commercial television licensees, asking them how much air time they devoted to children's programming. The results were disturbing. While 60 percent of the broadcasters declined to respond, those who did said that less than 1 percent—0.77 percent to be exact—of daily air time was devoted to children's educational programs. That translated into 61 minutes per week. Cartoons, on the other hand, accounted for 152 minutes of weekly air time.

Commercial television stations devote less time to educational and informational programming than do public broadcasters. One recent survey of TV programs aired over the course of a week on Washington, D.C. stations showed that the 8 percent of commercial air time dedicated to children was comprised mostly of cartoons. On the other hand, the 6 percent of air time devoted to children on public television included such educational programs as "Sesame Street," "Mister Rogers," and the "The Electric Company." Unfortunately, cutbacks in Federal funding of public television can only hurt what little headway has been made in public television programming for children.

Under the Reagan administration, the Federal Communications Commission has shown little or no interest in improving the quality of children's television. In fact, the ideologues at the FCC have ignored their responsiblity to see to it that the public airwaves are used at least in part in the public interest. Their approach is to let market forces determine what will or will not be shown on television.

Well, Mr. President, even the Commissioners of the FCC should know that children cannot fend for themselves in the marketplace. And not even they can deny that, until now, commercial broadcasters have shown little inclination or willingness to put good, educational programming for children on the air. I do not believe that we can rely on the marketplace to do what ought to be the job of the FCC. For that reason I am today joining Senator LAUTENBERG and others in introducing this legislation to require commercial television stations to broadcast an hour of educations programming for children 5 days a week.

The Children's Television Education Act of 1984 is the very least we can do to improve the television fare to which the Nation's children are exposed. I hope that we can move expeditiously to enact this bill.●

By Mr. THURMOND (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. COCHRAN, Mr. DENTON, Mr. TRIBLE, Mr. DANFORTH, Mr. MATHIAS, Mr. ROTH, Mr. PRYOR, Mr. BENTSEN, Mr. SASSER, Mr. D'AMATO, Mr. STENNIS, Mr. CHILES, Mr. BURDICK, Mr. LONG, Mr. NUNN, Mr. GLENN, Mr. MATTINGLY, Mr. HEFLIN, Mr. JOHNSTON, Mr. BIDEN, Mr. EAST, Mr. HUDDLESTON, Mr. LAXALT, Mr. HART, Mr. HEINZ, Mr. BAKER, Mr. DOLE, Mr. PRESSLER, Mr. RIEGLE, Mr. WILSON, Mr. SPECTER, and Mr. NICKLES):

S.J. Res. 340. Joint resolution to designate the week of September 23, 1984, as "National Historically Black Colleges Week"; to the Committee on the Judiciary.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. THURMOND. Mr. President, it gives me great pleasure today to introduce, along with Senators HOLLINGS, HELMS, COCHRAN, TRIBLE, DANFORTH, MATHIAS, DENTON, BIDEN, EAST, HEFLIN, HUDDLESTON, LAXALT, HART, HEINZ, BAKER, DOLE, PRESSLER, ROTH, PRYOR, BENTSEN, SASSER, STENNIS, CHILES, BURDICK, LONG, D'AMATO, RIEGLE, WILSON, SPECTER, NICKLES, MATTINGLY, NUNN, GLENN, and JOHNSTON, Senate Joint Resolution 340, which authorizes and requests the President to designate the week of September 23, 1984, as "National Historically Black Colleges Week."

The importance of this commemorative joint resolution is that it recognizes the contributions to society of the 103 historically black colleges and universities. I am particularly pleased that 6 of these 103 historically black institutions of higher learning; namely, Allen University, Benedict College, Claflin College, South Caroli-

na State College, Morris College, and Voorhees College are located in my own State of South Carolina. These colleges are vital to the higher education system in my State. They have provided the opportunity for thousands of minority young people in South Carolina to go to college who would not have been able to afford a college education if these schools were not available.

Mr. President, hundreds of thousands of young Americans have received quality education at these 103 schools. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. The predominantly black colleges and universities in America have offered to our citizens a variety of curriculums and programs through which they could develop their skills and talents, thereby expanding their opportunities as individuals and laying the foundation for continued social progress.

Mr. President, through passage of this commemorative joint resolution, Congress can reaffirm its support of our historically black colleges and appropriately recognize their place at the center of our Nation's higher education system. I invite my Senate colleagues to join as cosponsors of this joint resolution, and I ask unanimous consent that a copy of the joint resolution appear in the RECORD following my remarks.

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

S.J. RES. 340

Whereas there are one hundred and three historically black colleges and universities in the United States; and

Whereas they are providing the quality education so essential to full participation in our complex, highly technological society; and

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history; and

Whereas these institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of these historically black colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 23, 1984, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe that week by engaging in appropriate ceremonies, activities, and programs, thereby showing their support of historically black colleges and universities in the United States.

ADDITIONAL COSPONSORS

S. 657

At the request of Mr. BYRD, his name was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

S. 1795

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1795, a bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction.

S. 1816

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 1910

At the request of Mr. PRESSLER, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of S. 1910, a bill to adapt principles of the Administrative Procedures Act to assure public participation in the development of certain positions to be taken by the United States in international organizations, and for other purposes.

S. 2258

At the request of Mr. MOYNIHAN, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 2258, a bill to grant a Federal charter to the 369th Veterans' Association.

S. 2324

At the request of Mr. PACKWOOD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2324, a bill to amend the Coastal Zone Management Act of 1972 regarding activities directly affecting the coastal zone.

S. 2423

At the request of Mr. THURMOND, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 2423, a bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime.

S. 2433

At the request of Mr. DANFORTH, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 2433, a bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes.

S. 2753

At the request of Mr. HATFIELD, the name of the Senator from Louisiana [Mr. LONG] was added as a cosponsor of S. 2753, a bill to provide for the buyout of certain contracts for Federal timber.

S. 2770

At the request of Mr. MELCHER, the name of the Senator from Kentucky [Mr. HUDDLESTON] was added as a cosponsor of S. 2770, a bill to protect consumers and franchised automobile dealers from unfair price discrimination in the sale by the manufacturer of new motor vehicles, and for other purposes.

S. 2774

At the request of Mrs. KASSEBAUM, the names of the Senator from Arizona [Mr. GOLDWATER] the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kentucky [Mr. HUDDLESTON], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of S. 2774, a bill to grant a Federal charter to the National Society, Daughters of the American Colonists.

S. 2857

At the request of Mr. ANDREWS, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2857, a bill to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey.

S. 2866

At the request of Mr. MOYNIHAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2866, a bill to authorize the Attorney General of the United States to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances; to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, treatment, and rehabilitation; and for other purposes.

SENATE JOINT RESOLUTION 319

At the request of Mr. DOLE, the name of the Senator from Texas [Mr. BENTSEN] 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 con-

cerning agriculture-related trade and export policies, programs, and practices of the United States.

SENATE JOINT RESOLUTION 320

At the request of Mr. PERCY, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. LEVIN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from North Dakota [Mr. BURDICK], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nebraska [Mr. EXON], the Senator from Maryland [Mr. SARBANES], the Senator from Iowa [Mr. GRASSLEY], the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Florida [Mr. CHILES], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Washington [Mr. EVANS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. LEAHY], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. COHEN], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 320, a joint resolution regarding the implementation of the policy of the U.S. Government in opposition to the practice of torture by any foreign government.

SENATE JOINT RESOLUTION 333

At the request of Mr. BYRD, his name was added as a cosponsor of Senate Joint Resolution 333, a joint resolution to designate September 21, 1984, as "World War I Aces and Aviators Day."

SENATE JOINT RESOLUTION 334

At the request of Mr. DOLE, the name of the Senator from Kentucky [Mr. HUDDLESTON] was added as a cosponsor of Senate Joint Resolution 334, a joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month."

SENATE JOINT RESOLUTION 336

At the request of Mr. DENTON, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Maryland [Mr. SARBANES], the Senator from New York [Mr. MOYNIHAN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 336, a joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world.

SENATE JOINT RESOLUTION 338

At the request of Mr. STEVENS, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Joint Resolution 338, a joint resolution to congratulate the athletes of the U.S. Olympic team for their performance and achievements in the 1984 winter Olympic games in Sarajevo, Yugoslavia, and the 1984 summer Olympic games in Los Angeles, CA.

SENATE CONCURRENT RESOLUTION 124

At the request of Mr. HEINZ, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Concurrent Resolution 124, a concurrent resolution expressing the sense of the Congress that the Senior Companion Program be commended on its 10th anniversary for its success in providing volunteer opportunities for older Americans.

SENATE RESOLUTION 412

At the request of Mr. HOLLINGS, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Texas [Mr. BENTSEN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Resolution 412, a resolution to congratulate and commend the USA Philharmonic Society.

SENATE CONCURRENT RESOLUTION 132—CONGRATULATING JOAN BENOIT FOR WINNING A GOLD MEDAL IN THE WOMEN'S MARATHON IN THE XXIII OLYMPIAD

Mr. MITCHELL (for himself and Mr. COHEN) submitted the following concurrent resolution; which was placed on the calendar by unanimous consent:

S. CON. RES. 132

Whereas, Joan Benoit of Freeport, Maine, a graduate of Bowdoin College, on Sunday, August 5, in the City of Los Angeles, won the Women's Marathon in the XXIII Olympiad;

Whereas, the Women's Marathon was run for the first time in modern Olympic history at the XXIII Olympiad;

Whereas, Joan Benoit's winning time of 2 hours, 24 minutes, and 52 seconds becomes the Olympic record for the Women's Marathon and also stands as the fastest time ever clocked by a participant in an all-women's marathon event, and the third fastest time ever clocked by a woman in any marathon; and

Whereas, Joan Benoit demonstrated great courage and determination when she qualified to participate in the XXIII Olympiad only seventeen days following arthroscopic surgery on her right knee; and

Whereas, Joan Benoit, winner of the 1983 Boston Marathon and women's world record holder in the marathon, prevailed in an Olympic field which included the 1983 Women's World Champion and the previous world record holder for an all-women's marathon event; now therefore, be it

Resolved by the Senate (The House of Representatives concurring), That it is the sense of the Congress that Joan Benoit be heartily congratulated for her outstanding accomplishment in the XXIII Olympiad; and that the Congress urges all young American athletes to draw inspiration from the example of discipline, training, hard work and ability provided by Joan Benoit, a superior competitor who has brought distinction to herself, her family and coaches, her state and her nation.

Mr. MITCHELL. Mr. President, I rise to submit a concurrent resolution honoring Joan Benoit, a Maine native, the winner of yesterday's first-ever women's Olympic marathon.

This feat, in and of itself, is a tremendous accomplishment for this outstanding 27-year-old runner. But simply saying Joan Benoit won yesterday belies the extraordinary circumstances surrounding yesterday's race, the magnificent race Joan ran, and the dedication and sacrifice demonstrated by Joan in the months leading up to yesterday's marathon.

In the heat at Los Angeles, Joan Benoit yesterday ran the third-fastest marathon ever for a woman: 2 hours, 24 minutes, 52 seconds. In order to make that time, which averages 5:30 a mile over 26 miles, 385 yards, Joan had to run almost the entire race, by herself, in the lead, with all the difficulties and pressures which accompany such a tactic. In addition, her victory yesterday came over what may have been the greatest field of women marathoners ever assembled, including silver medalist Greta Waitz of Norway—five-time winner of the New York Marathon—and Julie Brown of the United States, the previous world record holder in an all-women's marathon.

With yesterday's win, Joan Benoit now holds two of the three fastest times ever recorded by a woman in this most grueling of races. She has recorded the fastest time ever for a woman in a marathon—2:22.43, in winning the 1983 Boston Marathon—and the fastest time ever for an all-women's marathon.

But what makes Joan's victory yesterday even more remarkable, I would say miraculous, is the circumstances by under which Joan qualified for the U.S. team in May. Joan Benoit underwent arthroscopic surgery on her right knee on April 26. The surgery was performed only 17 days before she ran in, and won, the U.S. Olympics trials in Olympia, WA.

Mr. President, I take no small amount of pride in the fact that Joan Benoit is a graduate of Bowdoin College, my alma mater, and a life-long resident of Maine. I believe her accomplishments merit our congratulations, but her dedication, determination, and perseverance deserves our commendation. So with my distinguished colleague, BILL COHEN, who is also a graduate of Bowdoin College, I am delighted to submit this concurrent resolution honoring this extraordinary American athlete.

Mr. COHEN. Mr. President, I am delighted to join with my distinguished colleague from Maine, Senator MITCHELL, in paying tribute to one of our State's most remarkable natural resources, Joan Benoit.

As the world knows by now, Joan won the first women's Olympic marathon in history yesterday. But the significance of her accomplishment goes beyond this one race.

Since the first modern Olympic games in Greece in 1896, only men have been allowed to compete in the grueling marathon event, a test of stamina and endurance stretching more than 26 miles. In fact, until yesterday women had never run more than a mile at the Olympics. The myth that women lack the conditioning to participate in longer runs was forever shattered yesterday by a diminutive woman from Maine who is one of the finest and most courageous athletes of this or any era.

Senator MITCHELL and I have the good fortune to know Joan; in fact, she attended our joint alma mater, Bowdoin College in Brunswick, ME. Her victory yesterday, coming only a few months after dangerous and complicated arthroscopic surgery on her right knee, is a special source of pride for Bowdoin College and the entire State of Maine.

The concurrent resolution we sponsor today asks the Congress to take note of Joan's magnificent accomplishment, and I ask my colleagues to join us in this effort.

SENATE RESOLUTION 426—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. DANFORTH, from the Committee on Governmental Affairs, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 426

Resolved, that pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2433, a bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes. Such waiver is necessary to permit reauthorization of funds for the functions of the Office of Information and Regulatory Affairs of the Office of Management and Budget under chapter 35 of title 44, United States Code.

SENATE RESOLUTION 427—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 427

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2160. Such waiver is necessary because S. 2160 authorizes the enactment of new budget authority which would first become available in fiscal year 1985 and such bill was not reported on or before May 15, 1984, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The Committee on Commerce, Science, and Transportation did not report S. 2160 prior to May 15, 1984, in order to allow for negotiations regarding amendments to the bill as introduced.

S. 2160 establishes a National Fisheries Marketing Council, to conduct various research, education and promotional projects and studies regarding fisheries products. The authorization contained in S. 2160 is necessary to ensure that sufficient funds are available for the Council to conduct its activities under the bill.

Section 8 of S. 2160 establishes a revolving fund to carry out the Council's activities, and provides that there is to be deposited into this fund for fiscal year 1985 a total amount of $14,000,000. This sum is to be drawn from the fisheries loan fund established pursuant to section 4(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c(c)) and from the fund used by the Administrator of the National Oceanic and Atmospheric Administration pursuant to section 2(b) of the Act entitled "An Act to authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry", approved August 11, 1939 (commonly referred to as the Saltonstall-Kennedy Act) (15 U.S.C. 713c-(b)). Section 13 of the bill authorizes appropriations for fiscal year 1985 to carry out the purposes of S. 2160.

AMENDMENTS SUBMITTED

DISASTER RELIEF ACT AMENDMENTS

HUMPHREY AND BURDICK AMENDMENT NO. 3591

(Ordered to lie on the table.)

Mr. HUMPHREY (for himself and Mr. BURDICK) submitted an amendment intended to be proposed by him to the bill (S. 2517) to amend the Disaster Relief Act of 1974, and for other purposes; as follows:

On page 25, line 16, strike out "2.5" and insert in lieu thereof "10".

On page 31, beginning with line 17, strike out through line 15 on page 32 and insert the following:

SEC. 24. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect ninety days after the date of enactment of this Act or on the date on which the President, after consultation with State and local governments, publishes final rules and regulations relating to the definition of costs for which State and local governments may be reimbursed under the Disaster Relief Act of 1974 (as amended by this Act), whichever is later.

(b)(1) This Act and the amendments made by this Act shall not affect the administration of any assistance provided under the authority of the Disaster Relief Act of 1974, for any major disaster or emergency declared by the President prior to the effective date of this Act.

(2) Except with regard to section 409(a) of the Disaster Relief Act of 1974, as redesignated by sections 11(c) and 12 of this Act, (relating to disaster unemployment assistance)—

(A) rules and regulations issued under statutory provisions which are repealed, modified, or amended by this Act shall continue in effect as though issued under the authority of this Act until they are expressly abrogated, modified, or amended by the President; and

(B) provision of disaster assistance authorized by statutory provisions repealed, modified, or amended by this Act or rules and regulations issued thereunder, or proceedings involving violations of statutory provisions repealed, modified, or amended by this Act or rules and regulations issued thereunder which are in process prior to the effective date of this Act, may be continued to conclusion as though the applicable statutory provisions had not been repealed, modified, or amended.

(3) Violations of statutory provisions or rules and regulations issued under the authority of statutory provisions repealed, modified, or amended by this Act or rules and regulations issued thereunder which are committed prior to the effective date of this Act may be proceeded against under the law in effect at the time of the specific violation.

On page 2, line 5, strike out ", as amended (42 U.S.C. 5122(1))," and insert "(42 U.S.C. 5122(1))".

On page 2, lines 16 and 17, strike out ", as amended (Public Law 93-288)," and insert "(Public Law 93-288)".

On page 5, line 19, strike out ", as amended (42 U.S.C. 5122(2))," and insert "(42 U.S.C. 5122(2))".

On page 6, lines 7 and 8, strike out ", as amended (42 U.S.C. 5131-5132)," and insert "(42 U.S.C. 5131-5132)".

On page 6, lines 17 and 18, strike out ", as amended (42 U.S.C. 5141-5158)," and insert "(42 U.S.C. 5141-5158)".

On page 6, lines 22 and 25, strike out "302" and insert "301, as redesignated by paragraph (1) of this section,".

On page 7, line 4, strike out "311(a)" and insert "308(a) as redesignated by paragraph (1) of this section,".

On page 7, strike out lines 6 and 7 and insert in lieu thereof "Sec. 8. Section 302(a) of the Disaster Relief Act of 1974 (42 U.S.C. 5143(a)), as redesignated by section 7(1) of this Act, is amended by adding".

On page 7, strike out lines 11 and 12 and insert in lieu thereof "Sec. 9. Section 311 of the Disaster Relief Act of 1974 (42 U.S.C. 5154), as redesignated by section 7(1) of this Act, is amended by redesignating".

On page 8, strike out lines 13 and 14 and insert in lieu thereof "Sec. 10. Section 312 of the Disaster Relief Act of 1974 (42 U.S.C. 5155), as redesignated by section 7(1) of this Act, is amended to read as".

On page 10, line 10, strike out ", as amended (42 U.S.C. 5141-5158)," and insert "(42 U.S.C. 5141-5158)".

On page 14, strike out lines through 8 and insert in lieu thereof the following: "(b) Title III of the Disaster Relief Act of 1974 is amended by deleting subsections (a) and (c) of section 314 (42 U.S.C. 5157), as redesignated by section 7(1) of this Act, and by renumbering '(b)' from the remaining subsection of section 314 as subsection '(f)' of section 318 as added by section 11(a) of this Act.".

On page 14, lines 9 and 10, strike out ", as amended,".

On page 14, after line 11 add a new subsection as follows: "(d) Section 315 of the Dis-

aster Relief Act of 1974 (42 U.S.C. 5158), as redesignated by section 7(1) of this Act, is further redesignated as section 314.".

On page 14, lines 12 and 13, strike out ", as amended (42 U.S.C. 5171-5189)," and insert "(42 U.S.C. 5171-5189)".

On page 19, strike out lines 16 and 17 and insert in lieu thereof "Sec. 13.(a) Section 405 of the Disaster Relief Act of 1974 (42 U.S.C. 5172), as redesignated by section 12 of this Act, is amended to read as".

On page 20, line 17, strike out "limited to".

On page 21, lines 17 and 18, strike out "based on".

On page 22, line 2, after "government" insert "and".

On page 22, line 5, strike out "based on" and insert in lieu thereof "that shall be".

On page 22, strike out lines 19 through 22 and insert in lieu thereof the following: "(b) The Disaster Relief Act of 1974 is amended by deleting section 421 (42 U.S.C. 5189), as redesignated by sections 11(c) and 12 of this Act, and by striking 'or 419' each place that this phrase appears in section 311 (42 U.S.C. 5154), as redesignated by section 7(1) of this Act.".

On page 22, strike out lines 23 and 24 and insert in lieu thereof "(c) Section 406 of the Disaster Relief Act of 1974 (42 U.S.C. 5173), as redesignated by section 12 of this Act, is amended by adding at the end".

On page 23, line 5, strike out "not exceed" and insert in lieu thereof "be".

On page 23, line 7, strike out "or" and insert in lieu thereof "of".

On page 23, strike out lines 8 and 9 and insert in lieu thereof "Sec. 14. Section 407(a) of the Disaster Relief Act of 1974, as redesignated by section 12 of this Act, is amended to read as follows: ".

On page 24, lines 24 and 25, strike out "limited to".

On page 25, strike out lines 3 through 5 and insert in lieu thereof "Sec. 15. Section 408 of the Disaster Relief Act of 1974 (42 U.S.C. 5176), as redesignated by sections 11(c) and 12 of this Act, is amended by adding '(a)' after '408' and by adding a new subsection '(b)' as ".

On page 25, strike out lines 19 and 20 and insert in lieu thereof "Sec. 16. Section 409(a) of the Disaster Relief Act of 1974 (42 U.S.C. 5177), as redesignated by sections 11(c) and 12 of this Act, is amended to read as ".

On page 27, strike out lines 8 and 9 and insert in lieu thereof "Sec. 17. (a) Section 410(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5178), as redesignated by sections 11(c) and 12 of this Act, is amended by adding a".

On page 27, line 12, strike out "408(b)" and insert "410(b)".

On page 27, strike out lines 15 and 16 and insert in lieu thereof "(b) Section 410(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5178), as redesignated by sections 11(c) and 12 of this Act, is further amended by adding the following sen-".

On page 28, strike out lines 3 and 4 and insert in lieu thereof "Sec. 18. Section 410(d) of the Disaster Relief Act of 1974 (42 U.S.C. 5178), as redesignated by sections 11(c) and 12 of this Act, is amended by adding".

On page 28, strike out lines 12 and 13 and insert in lieu thereof "Sec. 19. Section 415 of the Disaster Relief Act of 1974 (42 U.S.C. 5183), as redesignated by sections 11(c) and 12 of this Act, is amended by striking".

On page 28, strike out lines 15 and 16 and insert in lieu thereof "Sec. 20. Section 420(d) of the Disaster Relief Act of 1974 (42 U.S.C. 5188), as redesignated by sections 11(c) and 12 of this Act, is deleted.".

On page 28, line 18, strike out ", as amended (42 U.S.C. 5202)," and insert in lieu thereof "(42 U.S.C. 5202)".

On page 29, strike out lines 1 and 2 and insert in lieu thereof "Sec. 22. The Disaster Relief Act of 1974 (42 U.S.C. 5121-5202) is amended by-".

On page 29, strike out line 13 and insert in lieu thereof "308(b) (42 U.S.C. 5151), as redesignated by section 7(1) of this Act;".

On page 29, strike out line 16 and insert in lieu thereof "tion 307 (42 U.S.C. 5150), as redesignated by section 7(1) of this Act;".

On page 29, strike out line 17 and insert in lieu thereof "(6) striking in section 310(b) (42 U.S.C. 5153), as redesignated by section 7(1) of this Act, ev-".

On page 29, strike out line 22 and insert in lieu thereof "the phrase appears in section 311 (42 U.S.C. 5154), as redesignated by section 7(1) of this Act;".

On page 29, strike out line 24 and insert in lieu thereof "pears in section 311 (42 U.S.C. 5154), as redesignated by section 7(1) of this Act, and inserting in".

On page 30, strike out line 2 and insert in lieu thereof "word 'disaster' in section 313 (42 U.S.C. 5156), as redesignated by section 7(1) of this Act;".

On page 30, strike out line 8 and insert in lieu thereof "407(d) (42 U.S.C. 5174), as redesignated by section 12 of this Act;".

On page 30, strike out lines 9 and 10 and insert in lieu thereof "(12) striking '311' in section 407(d)(2) (42 U.S.C. 5174), as redesignated by section 12 of this Act, and inserting in lieu thereof '308';".

On page 30, strike out lines 11 and 12 and insert in lieu thereof "(13) striking 'an emergency or' in section 417 (42 U.S.C. 5185), as redesignated by sections 11(c) and 12 of this Act, and inserting in lieu thereof 'a';".

On page 30, strike out line 20 and insert in lieu thereof "appears in section 309(a), as redesignated by section 7(1) of this Act, and inserting in lieu thereof".

On page 30, strike out lines 22 and 23 and insert in lieu thereof "(17) striking 'rent' in section 310(a)(2) (42 U.S.C. 5153), as redesignated by section 7(1) of this Act, and inserting in lieu thereof 'income';".

On page 31, strike out lines 1 and 2 and insert in lieu thereof "(18) striking paragraph (1) of section 310(a) (42 U.S.C. 5153), as redesignated by section 7(1) of this Act, and renumbering subsequent paragraphs".

● Mr. HUMPHREY. Mr. President, I am submitting an amendment to S. 2517, the "Disaster Relief Act Amendments of 1984." The bill was introduced by myself and Senator QUENTIN BURDICK on April 2, and the Committee on Environment and Public Works reported the bill on May 15. I am glad that Senator BURDICK also joins me in submitting this amendment.

There are two notable changes to the bill that would be made by the amendment. First, section 15 of the bill would authorize the Federal Emergency Management Agency to contribute 50 percent of the cost of hazard mitigation projects, with State and local governments contributing 50 percent. Total Federal expenditures would be limited to 2.5 percent of the Federal cost of repair and replacement of State and local public facilities. The amendment would increase the authorized level of Federal participation from 2.5 percent—estimated to be about $2 million a year on average—to 10 percent—about $10 million annually.

Second, the bill's effective date is 90 days following enactment. The amendment would change the effective date to 90 days after enactment or on the date on which FEMA publishes final rules and regulations relating to the definition of costs for which State and local governments may be reimbursed under the Disaster Relief Act of 1974, whichever is later.

Other changes made by the amendment are technical or conforming in nature—primarily to conform to the legislative drafting format in practice by legislative counsel.●

REAUTHORIZATION OF CERTAIN CHILD NUTRITION PROGRAMS

BOSCHWITZ (AND OTHERS) AMENDMENT NO. 3592

(Ordered to lie on the table.)

Mr. BOSCHWITZ (for himself, Mr. JEPSEN, Mr. ANDREWS, Mr. RANDOLPH, Mr. MOYNIHAN, Mr. DANFORTH, Mr. MATSUNAGA, and Mr. DECONCINI) submitted an amendment intended to be proposed by them to the bill (S. 2722) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to reauthorize certain child nutrition programs for fiscal years 1985 and 1986; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "National School Lunch and Child Nutrition Programs Reauthorization Act of 1984".

INCOME VERIFICATION

SEC. 2. Section 9(b)(2)(C) of the National School Lunch Act (42 U.S.C. 1758(b)(2)(C)) is amended by adding at the end thereof the following new sentence: "To the extent that funds are appropriated for such purpose pursuant to section 3, the Secretary shall reimburse local school food authorities for the direct costs, as defined by commonly accepted accounting principles, attributable to such verification.".

REDUCED-PRICE LUNCHES

SEC. 3. (a) Section 9(b)(3) of the National School Lunch Act (42 U.S.C. 1758(b)(3)) is amended by striking out "40 cents" in the last sentence and inserting in lieu thereof "30 cents".

(b) Section 11 (a)(2) of such Act (42 U.S.C. 1759a (a) (2)) is amended by striking out "40 cents" and inserting in lieu thereof "30 cents".

A LA CARTE FOOD SERVICE

SEC. 4. Section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end thereof the following new subsection:

"(e) A school or school food authority participating in a program under this Act may not contract with a food service company to provide a la carte food service under such program unless such company agrees to

offer free, reduced-price, and full-price reimbursable meals to all children eligible for such meals under this Act.".

USE OF SCHOOL LUNCH FACILITIES FOR PROGRAMS FOR THE ELDERLY

SEC. 5. Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end thereof the following new subsection:

"(i) Facilities, equipment, and personnel provided to school food authorities for programs conducted under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) may be used, as determined by the local educational agency, to support nonprofit nutrition programs for the elderly (including programs conducted under the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.)).".

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

SEC. 6. Section 13(p) of the National School Lunch Act (42 U.S.C. 1761(p)) is amended by striking out "1984" and inserting in lieu thereof "1986".

COMMODITY DISTRIBUTION PROGRAM

SEC. 7. Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a (a)) is amended by striking out "1984" and inserting in lieu thereof "1986".

PROCESSING AGREEMENTS

SEC. 8. (a) Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended by adding at the end thereof the following new subsection:

"(g)(1) During the period beginning on the date of the enactment of the National School Lunch and Child Nutrition Programs Reauthorization Act of 1984 and ending September 30, 1986, whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary, the Secretary shall encourage consumption thereof through agreements with private companies under which the commodity is reprocessed into end-food products for use by eligible recipient agencies, with the expense of the reprocessing to be borne by the recipient agencies.

"(2) In order to be eligible to enter into an agreement with the Secretary under paragraph (1), a private company must participate in the child nutrition labeling program established under appendix C of parts 210, 220, 225, and 226 of title 7, Code of Federal Regulations (49 Fed. Reg. 85, 18453 (May 1, 1984).

"(3) In order to be eligible to enter into an agreement with the Secretary under paragraph (1) or a State agency under section 250.15 of title 7, Code of Federal Regulations, a private company must annually settle the account of such company with the Secretary or such State agency, as the case may be, with respect to commodities processed under such agreement.".

(b) Section 203 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting "in accordance with section 14(g) of the National School Lunch Act" after "companies".

CHILD CARE FOOD PROGRAM

SEC. 9. Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C. 1766(f)(2)(B)) is amended by striking out "one supplement" and inserting in lieu thereof "two supplements".

SPECIAL MILK PROGRAM

SEC. 10. Section 3(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)) is amended—

(1) by inserting "(except that the preceding limitation shall not apply to children in kindergarten programs in such schools)" immediately before ", and (2)" in the first sentence;

(2) by striking out "For" in the sixth sentence and inserting in lieu thereof "Except as provided in the following sentence, for";

(3) by inserting after the sixth sentence the following new sentence: "For the school year ending June 30, 1986, and for subsequent school years, the minimum rate of reimbursement for a half-pint of milk served to children in kindergarten programs in nonprofit schools that have meal service programs shall not be less than 5 cents per half-pint served to children ineligible for free milk, and such minimum rate of reimbursement shall be adjusted on an annual basis each school year to reflect changes in such Index."; and

(4) by striking out "Such adjustment" in the eighth sentence (as amended by clause (3)) and inserting in lieu thereof "The adjustments required by the preceding two sentences".

SCHOOL BREAKFAST REIMBURSEMENT

SEC. 11. (a) Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended by adding at the end thereof the following new paragraph:

"(3) In order to assist States in improving the nutritional qualities of breakfasts, the Secretary shall increase by 4 cents the annually adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act (42 U.S.C. 1766).".

(b) Not later than one hundred and eighty days after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) review and revise the nutrition requirements for meals served under the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) in order to improve the nutritional quality of such meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local school food authorities; and

(2) promulgate regulations to implement such revisions.

REDUCED-PRICE BREAKFASTS

SEC. 12. Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended—

(1) by striking out "30 cents" in the second sentence of paragraph (1)(B) and inserting in lieu thereof "15 cents";

(2) by striking out "30 cents" in paragraph (1)(C) and inserting in lieu thereof "15 cents"; and

(3) by striking out "30 cents" in paragraph (2)(C) and inserting in lieu thereof "15 cents".

STATE ADMINISTRATIVE EXPENSES

SEC. 13. Section 7(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(i)) is amended by striking out "1984" and inserting in lieu thereof "1986".

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

SEC. 14. Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) by striking out "1984" in subsection (c)(2) and inserting in lieu thereof "1986";

(2) in the first sentence of subsection (g)—

(A) by striking out "and" after "1983,"; and

(B) by inserting "$1,500,000,000 for the fiscal year ending September 30, 1985, and $1,600,000,000 for the fiscal year ending September 30, 1986," after "1984,"; and

(3) by striking out "1984" in subsection (h)(2) and inserting in lieu thereof "1986".

COORDINATION WITH AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

SEC. 15. Section 17(f)(1)(K) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(K)) is amended by inserting "the aid to families with dependent children program," after "child abuse counseling,".

NUTRITION EDUCATION AND TRAINING PROGRAM

SEC. 16. Section 19(j)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(2)) is amended—

(1) by striking out "1984" in the first sentence and inserting in lieu thereof "1986"; and

(2) by striking out "$5,000,000" in the second sentence and inserting in lieu thereof "$8,000,000".

STUDY OF A UNIVERSAL SCHOOL LUNCH PROGRAM

SEC. 17. (a) The Secretary of Agriculture shall conduct a study to consider—

(1) the feasibility of making the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) a universal program for all children in the United States; and

(2) various methods of operating a self-financing school lunch program under such Act for all children in the United States, including reserving a separate source of revenue for any such program.

(b) The Secretary shall submit a report containing the results of the study required by subsection (a) to the Congress, together with any recommendations or proposals for legislation, no later than January 1, 1987.

● Mr. BOSCHWITZ. Mr. President, I rise today to file an amendment to the proposed National School Lunch and Child Nutrition Programs Reauthorization Act of 1984 (S. 2722). I am offering this amendment in an effort to get the ball rolling in the Senate on child nutrition issues. Legislation to reauthorize and make modest improvements in the child nutrition programs has passed the House twice, but the Senate has yet to consider any child nutrition legislation.

Most of the child nutrition programs are permanently authorized, School Lunch, School Breakfast, Child Care Food Programs, et cetera, but the five child nutrition programs that are not permanently authorized expire at the end of this fiscal year. The five expiring programs include: the Special Supplemental Food Program for Women, Infants, and Children [WIC]; the Summer Food Service Program; the Commodity Distribution Program; the Nutrition Education and Training [NET] Program; and, the funding for State Administrative Expenses [SAE].

If the Senate fails to act on reauthorization legislation, (S. 2722) the fate of these five programs will be left to a continuing resolution. Congress must reauthorize these programs in a timely manner to avoid disrupting their operations. It is difficult, if not impossible, to efficiently run a nutrition program if the program only has

authorization to operate for 6 months or 1 year. The programs need the stability that comes with the ability to make long-range plans.

My purpose in offering this amendment is to have a pragmatic, responsible compromise that will attract wide bipartisan support. With the help and encouragement from a variety of child nutrition advocates, I think we have come up with just that type of compromise. This amendment is a compromise between simply reauthorizing at current service levels the programs that need reauthorizing, as in S. 2722, and adding $303 million over those levels, as in the House version. This amendment would increase spending on the child nutrition programs by $139 million over current services. A large portion of the increase would go to adding eligible pregnant and breastfeeding women and their children to the Women, Infants, and Children [WIC] Program, $30 million. Most of the other provisions of the amendment are scaled down from the Huddleston-Cochran child nutrition bill, S. 1913, which had 52 cosponsors in the Senate. The provisions of the amendment include:

ESTIMATED FISCAL YEAR 1985 COST, $28 MILLION

First, adding 4 cents to the reimbursement for school breakfasts: This provision would increase the Federal subsidy for all breakfasts—free, reduced, and full paying—by 4 cents to improve the nutritional quality and content of breakfasts. A recent study showed that most school breakfasts were nutritionally deficient in vitamin A, vitamin B-6, and Iron. Almost 86 percent of the breakfasts served are to children from families below 130 percent poverty.

ESTIMATED FISCAL YEAR 1985 COST, $6 MILLION

Second, lowering the price of the reduced-price breakfast from 30 cents to 15 cents: The reduced-price breakfast is available to children from families with incomes from 130 to 185 percent of poverty. As part of the 1981 Reconciliation Act the reduced price breakfast price in this category was raised from 10 cents to 30 cents. Participation has dropped from 250,000 in fiscal year 1981 to 150,000 in fiscal year 1984. One reason given for the drop in participation was that the price went up too much. Participation in the free category has grown from 3.05 million in fiscal year 1981 to 3.07 million in fiscal year 1984. Lowering the price in the reduced price category will make the breakfasts more affordable.

ESTIMATED FISCAL YEAR 1985 COST, $40 MILLION

Third, lower the price of the reduced-price lunch from 40 cents to 30 cents: School lunch participation has dropped from 25.8 million in fiscal year 1981 to 23.3 million in fiscal year 1984, average monthly participation. Participation in the free category has dropped from 10.6 million to 10.5 million, in the reduced price category from 1.9 million to 1.6 million, and in the paid category from 13.3 million to 11.3 million. Some drop in participation is due to enrollment declines. However, the large decline in the reduced price category, 15.8 percent, is considered to be attributable to the increase in price. This provision makes the lunch more affordable, and more children from families in this income category will again buy school lunches.

ESTIMATED FISCAL YEAR 1985 COST, $21 MILLION

Fourth, add a snack to the Child Care Food Program [CCFP]: Currently, only two meals and one snack per child per day are reimbursable under this program. This provision would add one snack to make two meals and two snacks reimbursable per day. The reasoning is that many children are at day care centers or family day care homes for 8 or 10 hours a day and two meals and a snack are simply not enough meals for small children.

CCFP provides Federal funding for meals served to children in child care centers, Head Start programs, and family and group day care homes. For child care centers the reimbursement rates are based on family income, similar to the school lunch and school breakfast rates. Family day care homes receive a standard meal or snack reimbursement regardless of the family income of the child.

ESTIMATED FISCAL YEAR 1985 COST, $10 MILLION

Fifth, special milk in kindergarten: The Special Milk Program operates only in schools, child care centers, and summer camps that do not participate in any other Federal nutrition program. Each half-pint of milk served under the Special Milk Program is subsidized and that subsidy is annually adjusted for inflation.

Prior to 1981 Reconciliation the Special Milk Program could operate in schools and other facilities along with the school lunch or other Federal nutrition program.

Kindergarten children often attend school for only half-days and therefore, do not participate in any nutrition program. Reinstating the Special Milk Program in Kindergarten at least allows these children to receive a half-pint of milk.

ESTIMATED FISCAL YEAR 1985 COST, $1 MILLION

Sixth, income verification—Federal funding of direct costs: Beginning with the 1983-84 school year, the Department of Agriculture has required school districts to verify the incomes of 3 percent of their applicants for free and reduced price lunches, but not more than 3,000. The school districts have been concerned about this requirement and the costs involved. This provision would reimburse them for the direct costs of income verification.

ESTIMATED FISCAL YEAR 1985 COST, $3 MILLION

Seventh, add $3 million to nutrition education and training: The NET program provides grants to State education agencies for comprehensive nutrition education and training programs. States are to use the funds for nutrition education and training of teachers and food service personnel for developing classroom material and curricula on nutrition; and for teaching children about nutrition.

Since fiscal year 1982 the funding level of NET has been $5 million. Current law specifies that grants to States are to be the higher of 50 cents per child or $75,000. However, if appropriations are insufficient, the grant is ratably reduced.

Eighth, add to WIC authorization $30 million in fiscal year 1985 and $75 million in fiscal year 1986: This amendment would raise the authorization levels of WIC to $1.5 billion in fiscal year 1985 and $1.6 billion in fiscal year 1986. WIC is currently serving approximately 3 million women, infants and children. For each $50 million the program can serve approximately 100,000 people. So participation should increase 60,000 in fiscal year 1985 and an additional 90,000 in fiscal yer 1986.

ESTIMATED FISCAL YEAR 1985 COST, NONE

Ninth, Jeffords amendment: This amendment would require a food service company providing a la carte food service to serve free and reduced price meals and to meet the nutrition requirements of the school lunch meal pattern. Currently, competitive food service companies are not held to these same requirements.

ESTIMATED FISCAL YEAR 1985 COST, NONE

Tenth, Universal School Lunch Program Study: Study the feasibility of making the school lunch program self-financing. The American School Food Service Association would like to see free lunches available to everyone, but they would like it to be "self-financing."

ESTIMATED FISCAL YEAR 1985 COST, NONE

Eleventh, use of school facilities for elderly: This provision simply specifies that the local districts may allow elderly nutrition programs, including Congregate Dining and Meals on Wheels, to use their facilities, equipment, and personnel.

ESTIMATED FISCAL YEAR 1985 COST, NONE

Twelfth, automatic eligibility for free school lunch if AFDC eligible: This is merely a paperwork reduction amendment and makes children automatically eligible for free school lunches if they receive AFDC benefits. Also, the State must require that AFDC eligibility is below 130 percent poverty.

Some of my more liberal colleagues may say, this amendment does not go far enough. Some of my more conservative colleagues may say, this amendment goes too far. This is a compromise, it is a middle ground. It does what needs to be done for child nutrition as cost-effectively as possible. If we can set aside political rhetoric long enough to get the child nutrition programs reauthorized and make the improvements included in my amendment we will have carried out our responsibilities to those people who rely on these nutrition programs, and to all our constitutents who expect these programs to be authorized in an orderly fashion.

My only regret today, as I submit this amendment, it that when we go to conference on child nutrition this year we will not be sitting across the table from Chairman PERKINS. Congressman PERKINS dedicated his life to educating and feeding children and is a fine example to Senators and Congressman, Democrats and Republicans of a leader serving people.

Mr. President, the organizational endorsers of my amendment are:

American Camping Association.
American Federation of State, County and Municipal Employees.
American Public Health Association.
American School Food Service Association.
Bread for the World.
Camp Fire, Inc.
Center for Science in the Public Interest.
Center on Budget and Policy Priorities.
Child Care Food Program Sponsors Forum.
Child Welfare League.
Children's Defense Fund.
Children's Foundation, The.
Church of the Brethren (Washington Office).
Community Nutrition Institute.
Council of Chief State School Officers.
Food Research and Action Center.
Friends Committee on National Legislation.
Health U.S.A.
Interfaith Action for Economic Justice.
League of United Latin American Citizens.
League of Women Voters of the United States.
Lutheran Council of the USA (Office of Government Relations).
Mennonite Central Committee, U.S. Peace Section, Washington Office.
National Anti-Hunger Coalition.
National Association of Counties.
National Black Child Development Institute.
National Education Association.
National Farmers Union.
National Grange.
National Institute of Hispanic Children and Families, The.
National PTA, The.
National Rural Housing Coalition.
National Voice for Food and Health Policy.
Rural Coalition.
Society for Nutrition Education.
United Church of Christ (Office for Church in Society).
U.S. Conference of Mayors.
World Hunger Education Service.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BOSCHWITZ. Mr. President, I wish to announce that the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing to examine the reasons for the increase in imports of Canadian pork and to consider an appropriate response by the United States to the increase.

The hearing, which was originally announced for Thursday, August 9, 1984 at 10 a.m. in room 328-A Russell Senate Office Building, has been rescheduled for 2 p.m. of the same day.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, August 6, at 2:30 p.m., to hold a hearing to consider the nominations of Brandon Grove, Jr., to be Ambassador to the Republic of Zaire, and Larry Williamson, to be Ambassador to the Gabonese Republic, to be followed by a hearing at 4:30 p.m., to consider the nominations of Leon Weil, Jr., to be Ambassador to the Kingdom of Nepal, and Anthony Quainton, to be Ambassador to the State of Kuwait.

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

ADDITIONAL STATEMENTS

PRODUCT LIABILITY LEGAL COSTS

● Mr. KASTEN. Mr. President, sometimes the merits of a proposal can be made crystal clear by the tactics of those who oppose it. In that regard, I am entering in the RECORD solicitations that have been issued to defeat S. 44, the Uniform Product Liability Act. These have come from the trial lawyers who oppose the bill.

Data from the Rand Corp. show that currently lawyers are gathering far more in funds than victims who are injured by products in product liability actions. Currently, plaintiffs' lawyers take 41 cents from victims out of every dollar they receive. Defense clients fare no better—in fact, worse—58 cents is going to defense lawyers for every dollar going to a victim.

As evidenced by the many letters I and other Members of the Senate have received, there are a good number of responsible attorneys who support S. 44 in spite of the fact that it is not in their immediate economic interest. In that regard, recently a poll of the American Bar Association shows that a majority of members favor the enactment of Federal product liability law—the organization itself remains against it. The bill is as these documents suggest also opposed by the Association of Trial Lawyers of America. It is also opposed by the Defense Research Institute, the defense bar which says that this is a matter that can be left to the States.

S. 44 will reduce legal costs because it will establish clear, fair and balanced rules that will facilitate settlement. When cases are settled, contingent fees are reduced by over one-third. When cases are settled, defense lawyers run up far less billable hours. Estimates made before our committee indicate that the product liability bill can save as much as 30 to 35 percent in legal costs. It will prevent the briefing and rebriefing of issues. It will allow corporate counsel to have better control in managing cases—they will not be dependent upon the mercurial nature of 51 different sets of rules. It will allow injured parties to understand clearly what their rights are—the bill is clear and it can be understood by lay persons. It will allow lay persons to evaluate the value of legal services.

In light of these facts, the enclosed solicitations are curious, indeed.

First, it shows attorneys taking the guise of "helping" consumers. But it is interesting to note that they say that their efforts were "a primary reason we have beaten back national no-fault * * *" proposals. As members of the Senate will recall, national no-fault was strongly supported by the Consumer Federation of America and other consumer organizations. While some consumer groups have opposed S. 44, the point is that trial lawyers represent trial lawyers—not consumers.

This solicitation indicates that lawyers are "fighting for our lives in the U.S. Senate * * *." The solicitation further says that it is their "estimation, that the bill may lead to the death knell for tort practice in every field." Does this sound like protection for consumer rights?

Even more curious is the solicitation. It states that members will be calling upon other members "to contribute $40 a month—less than $1 a day—to support the efforts * * *." I even find problems with their math. With math like this, we perhaps could balance the budget.

It may be of interest to know the Association of Trial Lawyers of America have 53,000 members. If they each give $480 a year, they will have raised almost $25½ million to preserve the excessive legal costs that are burdening the product liability system. Oppo-

nents of S. 44 suggest that somehow the "moneyed interest" are behind the bill. However, neither the Product Liability Alliance nor the Coalition for Uniform Product Liability Law, the principal organizations supporting the bill, have political action committees.

S. 44 is a bill that should be judged on its merits, not rhetoric. It imposes liability on manufacturers and forces them to exercise "the care, intelligence, knowledge and experience that society requires for the protection of its own interest and the interest of others * * *." I am proud to support such a bill and a vehicle that will preserve more dollars in the hands of victims instead of attorneys.

The material follows:

ATTORNEYS CONGRESSIONAL CAMPAIGN TRUST,
Washington, DC, November 10, 1983.

Dear Colleague: ATLA needs your help to preserve the tort system!

Business groups, medical associations and insurance companies donate hugh sums of money to elect legislators who will support "tort reform." These groups give big dollars to political candidates who are sympathetic to their causes. We know we do not have to tell a member of the Association of Trial Lawyers of America what this means.

We are currently fighting for our lives in the United States Congress. Products safety repeal legislation (the Kasten bill), which codifies products law and pre-empts all state common law, is a clear and present danger. If we lose this fight, it is, in our estimation, the death knell for tort practice in every field. In addition, proposals to repeal diversity jurisdiction are again on the Congressional agenda.

ATLA has maintained political credibility in Washington through the Attorneys Congressional Campaign Trust—ACCT. It is a primary reason we have beaten back national no-fault, repeal of diversity jurisdiction, and the Montreal Protocols.

Political fund giving is an indispensable ingredient to the success of the Trial Bar in fighting anti-consumer legislation. ATLA must maintain political credibility or all is lost. You should, and must, support our, LEGAL, state political fund but you must also support the national political action fund for the Trial Bar—ACCT.

If we are to continue to seek to preserve the rights we have won for our clients in the courts and in the state legislature, if we are to continue to be respected as a substantial participant in the process by which our laws are made and our officials elected, we must be deemed first-rate in our recognition of the needs of candidates for political office.

On November 21st and 22nd, a colleague of yours will be calling you to ask you to contribute $40.00 a month—less than $1.00 a day—to support the efforts of ACCT. Payment can be made by Mastercard, Visa, American Express, personal check or bank draft.

$40 a month is a small price to pay compared to the loss in credibility we will suffer if ACCT fails to maintain its competitiveness with those who would destroy the adversary system.

Very truly yours,

JOSEPH P. O'DONNELL,
President, ATLA-New Jersey.

ASSOCIATION OF TRIAL LAWYERS OF AMERICA,
Washington, DC, April 13, 1984.

Dear ATLA Member: Your clients, the consumers of America, need your help on an urgent basis.

Responsible citizenship and a commitment to the American system of justice, including trial by jury, requires more than rhetoric. It requires your sharing with your state Political Action Committee and your national PAC, the Attorneys Congressional Campaign Trust (ACCT). ATLA cannot expect to have credibility in dealing with the Congress unless we are prepared to support and fight for those who support our clients' interests.

Our opponents in the private sector represent a coalition of insurance companies and major business interests. The latest example of their resources which have been brought to bear in the United States Congress, is the approval on March 27, 1984, by the Senate Commerce Committee of S. 44, a national products safety repeal proposal. This measure would pre-empt for the first time in our history state law, codify tort law, and wipe out decades of struggle by courts and juries to protect workers and product consumers. Strict liability in design and warning cases is abolished. Punitive damages is effectively abolished as well.

You are a member of the only effective consumer-oriented network that can defeat this and other items of pending legislation which threaten citizens' rights. We are right on the merits. We have the capacity through grass roots efforts to defeat this anti-consumer policy garbage. But you must demonstrate your commitment and responsibility by giving us an increased measure of effectiveness in dealing with the campaign process. This is an election year.

If you will fill out the enclosed card, and return it today in the enclosed self-addressed envelope, you will cast a vote for your clients. Please note that we are unable to accept contributions from corporate accounts.●

PROGRESS IN WAR ON CRIME

● Mr. LAXALT. Mr. President, one of the Reagan administration's greatest success stories over the past 4 years has been its record in fighting crime in America. Although criminal law is rightfully the jurisdiction of State and local law enforcement officials, I feel that the Reagan administration's efforts are directly responsible for much of the dramatic decline in criminal activity. In particular, I think Attorney General William French Smith should be highly commended for his leadership in this area.

Under the guidance of Attorney General Smith, the administration has taken a number of effective steps to strengthen Federal law enforcement, and thus facilitate State and local efforts.

The FBI released in April some remarkable statistics that demonstrate just how effective the Justice Department has been under Attorney General Smith. For the second consecutive year the Nation experienced a decrease in the number of crimes reported to law enforcement agencies, and the 1983 decline of 7 percent was the largest since 1960. Strikingly, between 1978 and 1980 Crime Index Offense rose 19 percent. The administration's establishment of the Law Enforcement Coordinating Committee program, a new National Center for State and Local Law Enforcement Training, and other major efforts toward training State and local officials in combating crime have been very effective.

Attorney General Smith's initiatives toward curbing the previously uncontroled flow of drugs across U.S. borders are also yielding impressive results. In creating the south Florida task force and 12 regional organized crime drug enforcement task forces, the national narcotics border interdiction system, and by utilizing the FBI in the fight against drug trafficking for the first time, the Nation is finally slowing the transportation of poisonous contrabands to its people. In fact, Federal officials have tripled the amount of cocaine seized just 1 short year ago, and heroine and marijuana seizures have increased almost 50 percent.

I would like to insert in the RECORD an article that recently appeared in the Hearst newspapers which gives overdue credit to Attorney General Smith and the achievements of the Reagan administration in combating crime.

The article follows:

ATTORNEY GENERAL CLAIMS PROGRESS IN WAR ON CRIME

(By Kingsbury Smith)

WASHINGTON.—With a 10 percent drop in criminal activities in 1983 marking the third year in a row crime has declined, Attorney General William French Smith says greater progress has been made in combating America's number one enemy in recent years than ever before in the history of the country.

"The results are really quite dramatic," said the soft-spoken former California lawyer and close personal friend of President Reagan.

The results he cited include the largest breakup in history of heroin and cocaine criminal networks.

As the result of tougher law enforcement, the number of criminals in federal prisons has increased 30 percent over the past three years. More leaders of organized crime have been arrested, convicted and put behind prison bars than ever before during a similar period of time.

Smith initiated and supervised some of the most profound and far-reaching changes in federal policy on criminal justice that have ever been made. All are intended to deter crime.

One of the first steps taken by the Reagan administration was to set up a Cabinet-level anti-crime group over which the attorney general presides. This led to the creation of 12 presidential task forces throughout the country to work with state and local authorities in curbing crime.

Under Smith's direction, the Federal Bureau of Investigation and all branches of the armed services were for the first time brought together to act jointly to combat

crime, especially as it related to the illegal drug traffic.

He also masterminded development of the President's Comprehensive Crime Control Act, which the Senate approved Feb. 2 by the overwhelmingly bipartisan vote of 91 to 1, now pending in the House of Representatives, where the various provisions are being handled separately rather than as a package.

Smith gives credit for what has been accomplished to Reagan, who launched the federal government's crusade against crime, and to state and local authorities who cooperated effectively with the government in that crusade.

"What we have done in the last three and a half years is to develop a comprehensive approach for dealing with organized crime and illegal drug traffic, which together are by far our number one crime problems," he said.

"The Cabinet level group, made up of Cabinet heads who have responsibility in the crime prevention area, was established to focus high level attention on this problem including presidential attention. It was the first time that has ever been done, except perhaps for one small exception during the Ford administration.

"We focused on organizational changes that were needed to come to grips with the crime problem. It seemed ironic to me that the FBI had never before been involved in dealing with the illegal drug traffic—our No. 1 crime problem. So for the first time we brought the FBI into this fight. We reorganized and strengthened, the Drug Enforcement Agency and consolidated it within the FBI. That was a major step forward.

"One of the first things I did was to appoint a U.S. attorney general's task force on violent crime." To assure the bipartisan nature of that task force, Smith persuaded Griffin Bell, his predecessor in the Carter administration, to co-chair it along with Illinois Republican Governor James Thompson, a former prosecutor.

"It was a highly successful group," Smith said. "They came up with some 64 recommendations. We have implemented well over two-thirds of them. Practical recommendations, they had two phases. One could be implemented without legislation. The other required legislation and additional resources. During the last year and a half we have increased our law enforcement budget by 57 percent. This has enabled us to more than double the resources we have thrown against the illegal drug traffic. We announced in Atlanta some months ago the largest cocaine breakup. It involved the arrest of top people in these drug networks. More recently, I announced another big network breakup in Boston."

Smith, 66, submitted his resignation to President Reagan last January in order to return to private law practice in California. He was persuaded to stay on pending Senate action on confirmation of presidential counsellor Edwin Meese III as his successor, or at least until after the November presidential elections.●

MONIQUE PANAGGIO—30 YEARS OF SERVICE TO RHODE ISLAND

● Mr. CHAFEE. Mr. President, an outstanding citizen of Rhode Island—Mrs. Monique M. Panaggio—was recently honored for her 30 years of dedicated service to the Preservation Society of Newport County.

The city of Newport and the State of Rhode Island have benefited greatly from Monique Panaggio's tremendous energy and creativity. Since 1954, she has served as public relations director of the Preservation Society, developing a successful promotional program which has helped to make Newport one of our Nation's leading historical, cultural, and recreational attractions.

Mrs. Panaggio was born in Versailles, France, and came to the United States in 1945. After working as a journalist for the Worcester, MA, Telegram she served as executive secretary of the Newport Publicity Commission. One of her first projects was a centennial program commemorating the achievements of Comdr. Matthew Perry, USN, a Rhode Islander whose expedition to Japan opened the ports of that country to world trade.

Visitors from throughout the world came to Newport in 1955 for an observance marking the 175th annivesary of the arrival in Newport in 1780 of the Count de Rochambeau with 6,000 French soldiers which led to the victory at Yorktown. The success of this elaborate event greatly enhanced the fundraising capabilities of the Preservation Society and generated tremendous enthusiam for other activities.

When Monique Panaggio assumed her duties in 1954, the Preservation Society of Newport County owned one historic building whose annual visitor attendance was about 35,000. Today the Society owns and manages six Newport mansions—the Breakers, Marble House, Rosecliff, the Elms, Chateau-Sur-Mer, and Kingscote. It also owns Green Animals—one of the Nation's top three topiary gardens, and other properties including a public park.

Monique Panaggio's promotional talents have helped make the society the operator of Rhode Island's foremost tourist attraction. Last year, these properties attracted visitors from all over the world, accounting for 824,000 admissions. The society's activities have provided a significant boost for Rhode Island's economy. The society has also contributed immeasurably to wider appreciation for Rhode Island's history and pride in its heritage.

Rhode Island has been enriched by Monique Panaggio's leadership in other areas as well. She was appointed by Gov. J. Joseph Garrahy to serve on the women's committee of the Rhode Island Bicentennial Commission and has served as president of the Newport chapter of Alliance Francaise. Mrs. Panaggio has served as a member of the board of directors of the Automobile Club of Rhode Island and is a member of the Travel Industry Association of America and the Rhode Island Press Association.

Mrs. Panaggio serves as president of Christmas in Newport, a monthlong series of noncommercial programs which is one of the State's most eagerly awaited holiday observances. She took an active role in the State of Rhode Island's efforts to establish Fort Adams State Park in Newport.

The 30th anniversary of Mrs. Panaggio's service to the Preservation Society coincides with her 40th wedding anniversary. Her husband, Leonard J. Panaggio, was appointed the first director of Rhode Island's state tourist promotion division in 1952. Mr. Panaggio held this position until his retirement in March 1983. He served with tremendous distinction for the longest term of any State travel director in the Nation. Leonard Panaggio's efforts have helped draw visitors from throughout the world to our State's rich historical and scenic attractions.

Leonard and Monique Panaggio have earned the respect and friendship of countless citizens for their imagination, drive, and deep commitment to community service. I join with all Rhode Islanders in saluting them for their many fine accomplishments, and extending best wishes for continued success in all their endeavors.●

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

● Mr. D'AMATO. Mr. President, I rise today in recognition of the historically black colleges. These fine institutions of higher education deserve special recognition. Therefore, I am pleased to join in cosponsoring National Historically Black Colleges Week.

One hundred and three historically black colleges and universities provide quality education essential for the continued advancement of our citizenry. These colleges and universities play an important role in preparing our youth for a high technology society. Historically black colleges and universities not only have a rich heritage, but have played a significant role in American history.

Many students have benefited from these institutions of higher education. Historically black colleges have the potential to continue to provide necessary educational programs so that more students will reach their fullest potential. Therefore, it is appropriate, Mr. President, that we designate the week of September 23, 1984, as National Historically Black Colleges Week.

Thank you, Mr. President.●

SENATE SCHEDULE

Mr. LEVIN. Is the majority leader in a position to tell us what we can expect to be working on tomorrow?

Mr. BAKER. Yes, Mr. President, I will. Mr. President, we have still not been able to clear the supplemental appropriations bill for tomorrow. I am hopeful that we can do that. If we cannot, it would be the intention of

the leadership on this side to ask us to turn to the supplemental appropriations bill tomorrow. First, of course, would be a waiver under the Budget Act to reach that measure. But assuming we do, we would be on that measure tomorrow. If we do not, we continue on the debate on the motion to waive the budget provisions of the Budget Act with respect to the farm bill.

Mr. President, cloture has been filed. So we will have a cloture vote on Wednesday on the motion. But perhaps it would be useful to say, as I previously have said to the minority leader privately, that it is my hope that we could finish the agriculture bill, any other appropriation bills that we can, the supplemental apporpriations bill, and frankly I think that is about all. There may be other matters that we can reach that will not take much time. But our principal responsibility this week in my judgment is to do the supplemental and the agriculture bill, and that will be a good week's work.

Mr. LEVIN. I understand that there is definitely to be cleared a small business Federal procurement competition bill, S. 2489. My question is this: Would it be possible for the leader to see if that could be cleared this evening, if it is going to be cleared at all?

Mr. BAKER. Yes. Mr. President, I would be glad to. I am advised now that we have a unanimous-consent agreement in respect to that measure relating to time. If the minority leader is prepared to do so, I will put that request in a moment. But, yes, Mr. President. We thought we might clear that today, but it did not work out. So may I say to my friend from Michigan that if we can get this time agreement, I am sure we can find time tomorrow to deal with that measure.

Mr. LEVIN. My question to the leader is: Would it be possible for the leader to see if that could be cleared today rather than tomorrow so we could know today whether or not that is going to be coming up tomorrow?

Mr. BAKER. If the Senator will let me confer with the minority leader, maybe I can give you some more information. In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDIENG OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THREE OLYMPIC GOLDS FOR MARY T. MEAGHER

Mr. FORD. Mr. President, Kentuckians are beaming with pride today over the Olympic performance of Mary T. Meagher, a 19-year-old swimmer from Louisville.

Miss Meagher claimed 3 of the 21 gold medals won by U.S. swimmers, winning the gold in the 100-meter butterfly, 200-meter butterfly and the 400-meter medley relay. In the 200-meter butterfly, she left the starting blocks like someone who had been freed from jail, touching home with the third-fastest time in history for men or women. While that time fell a second short of Miss Meagher's own world record, she will still retire as the only woman ever to break the 59-second barrier.

Miss Meagher, one of many American athletes disappointed by the 1980 Olympic boycott, also helped bring the American team its 1½ second victory over runnerup West Germany in the 400-meter medley relay. Her incredible 58-second leg in the earlier relay event was the fastest butterfly relay leg in history.

I wish to congratulate Miss Meagher, a sophomore at the University of California at Berkeley, and her parents, Mr. and Mrs. James L. Meagher of Louisville. She showed true Olympic spirit, giving the United States her best in these Olympic events.

Mr. President, I ask unanimous consent that an article by Billy Reed, entitled "For Mary T., It's a Merry Three Golds," which appeared in the Courier-Journal of August 6, 1984, be printed in the RECORD.

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

[From the Courier-Journal, Aug. 6, 1984]

FOR MARY T., IT'S A MERRY THREE GOLDS

(By Billy Reed)

LOS ANGELES.—On the day that she would go after her third gold medal of the Olympic Games, Mary T. Meagher woke up feeling sick at her stomach and "like I hadn't gotten any sleep at all."

She had eaten late on Friday in the wake of her terrific leg in the 4 x 100 medley, then tried to sleep. But she kept waking up because of sounds and whispers in her dormitory suite.

"I guess it could have been nerves," she said last night. "Other people were coming in and out, and I'd wake up every time."

A two-hour afternoon nap helped, but she still didn't feel quite right even as she waited to be called for the 200-meter butterfly—an event in which she has reigned supreme since 1979.

The 19-year-old Louisvillian knew she was thinking too much about her last race at the highest level, so she got teammate Carrie Steinsfeifer to talk "just to take my mind off it."

That helped, as did the last-minute laps that she swam in the diving pool between the time she was introduced to the standing-room-only crowd and the moment when the field of eight was called to get on the starting blocks.

"I don't think they would have started without me," Meagher would say later, smiling sheepishly.

And, of course, they wouldn't have because everybody at the pool, her competitors included, knew that this was her show.

Let the record show that, in the final big race of her illustrious career, Mary Terstegge Meagher went out the way a champion should.

After 150 meters, she was so far ahead that it was only a question of margin and time. As she brought it home, against a ringing backdrop of cheers and a sea of waving American flags, she was where she belonged—in front, all alone, in a class apart.

Unchallenged, she nevertheless touched home in 2:06.90, which smashed the Olympic record of 2:10.44 set by Ines Geissler of West Germany at the 1980 Games in Moscow.

And then, for the third time in three days, she got to climb the victory stand, bend to let a gold medal be put around her neck, and sing along while they played the national anthem and ran up the Stars and Stripes.

Until now, no Kentuckian had ever won more than a single gold medal, and the last to win one in an individual event was boxer named Cassius M. Clay, the 1960 Olympic light-heavyweight champion who went on to earn a measure of fame under the name of Muhammed Ali.

Ali's gold medal now is somewhere at the bottom of the Ohio River, where he heaved it upon being refused service at a Louisville restaurant shortly after he returned from the Games in Rome.

Last night, asked by an ABC interviewer what she planned to do with her three golds, Mary T. didn't forget the folks at home.

"I'll put them up for a while in the family room of my parents' home in Louisville," she said, "so that everybody who has helped me and loved me can come see them and share in them."

The line ought to stretch from the Meagher home in St. Matthews all the way down to the Lakeside Swim Club and around the Sacred Heart. Why, it would be that long if only her immediate family showed up. She's ninth in a line of 10 children.

One of her teammates in Friday night's relay, Theresa Andrews, comes from a family in which she has nine brothers and one sister.

Asked about their families, Meagher tried to give a diplomatic answer.

"We come from strong religious backgrounds," she said.

"Good Catholic families," Andrews interjected. "Go ahead, Mary, say it, say it."

Of all the U.S. swimmers, Meagher seemed one of the most popular. Her every appearance drew loud, enthusiastic ovations to which she responded with big smiles and waves of her arms.

However, the outward show of confidence was only a think veneer on a bundle of nerves. As good as she is, and as much as she has accomplished. Meagher's a natural-born worrier whose ego is fragile, at best.

Her moments of glory were postponed four years by former President Jimmy Carter's decision to boycott the 1980 Games in Moscow to protest the Russian invasion of Afghanistan.

So, while Ines Geissier of West Germany was setting an Olympic record in the 200-

meter butterfly, Meagher was at home, watching on TV.

For Meagher, that was the beginning of a long four years in which she set world records, suffered a shattering 1982 loss to the East Germans, gained weight and lost interest, and finally began the comeback that culminated this week.

"For those of us who have been around since 1980," she said last night, "we're realizing more and more how much the boycott hurt us—and how much we missed out on. Gosh, it's been so long since we've had a top-notch international meet where the whole world was watching us."

Inevitably, she was asked about the absence of several of the world's best swimmers—most notably the East Germans and the Russians—at these Olympics.

Earlier in the week, she had said that she not only wanted to win gold medals, but to turn in times that would leave no question about her superiority in the world.

That she did, in every race.

On Thursday, she set the Olympic record at 100 meters in qualifying before winning the gold in a slower time that left her slightly disappointed.

Then, in Friday's relay, she single-handledly pulled the U.S. team from a slight deficit to a huge lead with a 58.04 butterfly leg that was the fastest in history.

The end of the message came last night: Forget the East Germans, because Madame Butterfly still comes from Louisville, Ky.

Still, unlike all, Meagher couldn't quite bring herself to state flatly that she would have dominated, no matter what.

"I can see it going both ways," Meagher said. "It could be that I would have felt more pressure and been more scared and nervous. But on the other hand, if somebody had been next to me and pushing me, maybe I would have concentrated less on the pain and swum even faster."

Indeed, her time last night was only a second off her world record. She remembered telling herself at one point in the race to "pick it up, but then she also told herself to take care to "not go flat in the water."

As difficult as it may be for casual observers to understand, times mean about as much to swimmers as medals.

But don't get the idea that Mary T. was disappointed. Far from it. During one TV interview, she spontaneously grabbed the gold dangling around her neck and kissed it.

Now, her work done, she will get to enjoy the rest of the games in the company of her teammates, family and friends.

Then, after the closing ceremonies next Sunday, she will join America's other medal winners on a triumphant tour that will begin with President Reagan in Los Angeles and go to New York, Washington, Orlando, New Orleans and Dallas.

After that, finally, she'll bring the medals home to Louisville, where she'll spend a week before enrolling as a sophomore at the University of California-Berkeley.

"I'll keep swimming until my college eligibility runs out, but it'll be just for fun," she said last night. "This was the last all-out effort, mentally, that I'll ever put into swimming."

Now, smiling, she didn't look sick at all. The insomnia was forgotten. So, too, were all the butterflies—the ones in the pool, as well as those in her stomach.

TORI TREES, KENTUCKY OLYMPIAN

Mr. FORD. Mr. President, I wish today to congratulate 19-year-old Tori Trees, a Kentuckian who placed fifth in the women's 200-meter backstroke final of the 1984 Olympics.

Miss Trees, a graduate of Atherton High School in Louisville, KY, was one of only two Americans to qualify for this event. She has had a distinguished swimming career since she first began swimming at age 8 at the Lakeside Swim Club in her hometown. This year she placed second in two events of the NCAA swimming championship as she swam for the University of Texas. Those events were the 100-meter and 200-meter backstrokes.

Miss Trees and her parents, Mr. and Mrs. William Trees, of Louisville, are to be commended following this outstanding Olympic performance.

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

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TIME LIMITATION AGREEMENT—S. 2489

Mr. BAKER. Mr. President, I have before me now a unanimous consent time agreement that appears to be cleared all around.

I ask unanimous consent that when the Senate turns to the consideration of calendar order No. 975, S. 2489, the Small Business Act, it be considered under the following time agreement: 30 minutes on the bill to be qually divided between the Senator from Connecticut [Mr. WEICKER] and the Senator from Arkansas [Mr. BUMPERS], or their designees; 30 minutes on the bill to be equally divided between the Senator from Texas [Mr. TOWER] and the Senator from Georgia [Mr. NUNN], or their designees; 30 minutes on the following amendments, that they be first degree amendments, and be the only amendments in order. To wit:

An amendment to be offered by the Senator from Ohio [Mr. METZENBAUM] requiring a GAO report on the extent this bill increases the opportunity for small business access to government contracts;

An amendment to be offered by the Senator from Michigan [Mr. LEVIN], to enhance the cost-effective acquisition of spare parts by the Department of Defense; title X of United States Code and section 15 of the small business biil;

An amendment to be offered by the Senator from Georgia [Mr. NUNN], regarding tenure of program managers in major defense weapon systems;

An amendment to be offered by the Senator from West Virginia [Mr. BYRD], to establish an Office of Competition Advocates General within the Departments of Defense and NASA as passed by the Senate;

An amendment to be offered by the Senator from New Mexico [Mr. BINGAMAN], to require a plan for improving DOD computer capability regarding spare parts procurement data;

A Weicker-Dixon amendment conforming the bill to the relevant provisions of the DOD bill as passed by the Senate; and

Finally, that no motions to recommit with instructions, or refer with instructions be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President.

Mr. BAKER. Mr. President, if the Senator will withdraw his reservation, I shall amend the request.

Mr. BYRD. Mr. President, I withdraw my reserevation for the moment.

Mr. BAKER. I thank the Senator.

Mr. President, I further ask unanimous consent that if the Senate turns to the consideration of this measure tomorrow, it not do so prior to the hour of 2 p.m.

Mr. BYRD. Mr. President, reserving the right to object.

Mr. BAKER. Mr. President, the request should be modified further as follows: the Weicker-Dixon amendment containing technical and conforming amendments to the bill to the relevant provisions of the DOD bill as passed by the Senate. That is the modification.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I have no objection.

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

The text of the agreement follows:

Ordered, That when the Senate proceeds to the consideration of S. 2489 (Order No. 975), a bill to amend the Small Business Act to enhance competition in Government procurement, but not before the hour of 2 p.m. on Tuesday, August 7, 1984, that the committee amendments be agreed to en bloc and considered as original text, and that the only amendments to be in order are the following first degree amendments, on which there shall be 30 minutes each:

Metzenbaum amendment, relative to a GAO report on the extent this bill increases the opportunity for small business access to government contracts

Levin amendment, relative to enhancing the cost effective acquisition of spare parts by the Department of Defense (Title X of U. S. Code and Sec. 15 of the Small Business bill)

Nunn amendment, relative to tenure of program managers in major defense weapon systems

Byrd amendment, relative to establishing an office of competition advocates general within the Departments of Defense and NASA (as passed by the Senate)

Bingaman amendment, relative to requiring a plan for improving DOD computer capability regarding spare parts procurement data

Weicker-Dixon amendment, technical and conforming the bill to the relevant provisions of the DOD bill as passed by the Senate

Ordered further, That no motion to recommit with instructions or to refer with instructions be in order.

Ordered further, That on the question of final passage of the bill, debate thereon shall be limited to 1 hour, with 30 minutes to be equally divided and controlled by the Senator from Connecticut (Mr. WEICKER) and the Senator from Arkansas (Mr. BUMPERS), or their designees, and with 30 minutes to be equally divided and controlled by the Senator from Texas (Mr. TOWER) and the Senator from Georgia (Mr. NUNN), or their designees. (Aug. 6, 1984)

UNANIMOUS-CONSENT AGREEMENT—SMALL BUSINESS SPARE PARTS ACT

Mr. BAKER. Mr. President, I am advised that there are two sets of committees' amendments to the small business spare parts bill which should be qualified under the unanimous-consent order. I will put the following additional request in respect to that bill.

Mr. President, I also ask unanimous consent that all committee amendments to the bill be adopted and considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDERS FOR TUESDAY

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m. tomorrow, and that on tomorrow, after the recognition of the two leaders under the standing order, special orders be awarded in favor of two Senators in this order, to wit: Senators GARN and PROXMIRE, for 15 minutes each, to be followed by a period for the transaction of routine morning business until 12 noon, with statements therein limited to 5 minutes each.

I further ask unanimous consent, Mr. President, that at 12 noon the Senate stand in recess until 2 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. BAKER. Mr. President, as I indicated earlier, it is the hope of the leadership that on tomorrow we may be able to reach the supplemental appropriations bill, notwithstanding the provisions of the 3-day rule. That, of course, will require a waiver of the pertinent sections of the Budget Act. In any event, Mr. President, I expect the Senate will take that measure up this week—if not tomorrow, then on Wednesday. If we are not able to reach the supplemental appropriations bill tomorrow, Mr. President, it would be the intention of the leadership on this side to continue the debate on the motion to waive the provisions of the Budget Act with respect to the agriculture appropriations bill.

It is anticipated, Mr. President, given other factors and circumstances, we will be able to reach the so-called small business spare parts bill on or after 2 p.m. tomorrow, in connection with which there is a limitation of time for debate according to the order previously entered.

Mr. BYRD. Mr. President, the distinguished majority leader has indicated that the bill, S. 2489, the Small Business Act, will be brought up not before 2 p.m. tomorrow, I believe.

Mr. BAKER. Yes, Mr. President.

Mr. BYRD. Is it the position of the majority leader that he intends to finish that bill tomorrow?

Mr. BAKER. Yes, Mr. President, it is.

Mr. BYRD. I thank the distinguished majority leader.

HUNGER RELIEF ACT OF 1984

Mr. BYRD. Mr. President, I understand that a House message on H.R. 5151 is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. That is cited as the "Hunger Relief Act of 1984."

Mr. President, on behalf of Mr. KENNEDY, I ask that the bill be read the first time.

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

The assistant legislative clerk read as follows:

A bill (H.R. 5151) to alleviate hunger in the United States by strengthening Federal nutrition programs.

Mr. BYRD. Mr. President, I ask that the bill be read the second time.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I object to further proceedings on the bill on this day.

The PRESIDING OFFICER. Objection is heard.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I have a few items in the folder today that appear to be available for action by unanimous consent, and I will run through them rapidly, since we are going to run out of time.

I ask unanimous consent that the time for the transaction of routine morning business be extended to not later than 6:30 p.m., under the same terms and conditions.

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

S. CON. RES. 132 PLACED ON THE CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that the Mitchell-Cohen resolution, Senate Concurrent Resolution 132, relating to Olympic gold medals, be placed on the calendar.

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

SMALL BUSINESS DEVELOPMENT ACT AMENDMENTS—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee of conference on S. 1429 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (S. 1429) to amend the Small Business Development Act of 1980, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. WEICKER. Mr. President, I am delighted that the Senate is considering the conference report on S. 1429, the Small Business Development Improvement Act of 1984. This bill would extend and strengthen the Small Business Administration's [SBA] Small Business Development Center [SBDC] Program which currently is due to expire on January 1, 1985. First, I would like to offer my sincere thanks to Senator BUMPERS, the ranking minority member of the Small Business Committee for his assistance and cooperation in formulating this compromise bill and to Senator NUNN, whose interest and involvement in this program over the years has been a major force in the development of this legislation. I would also like to thank Congressman MITCHELL, chairman of the House Small Business Committee, for his leadership and direction in moving this bill through the House. I am most appreciative of their efforts.

Mr. President, the SBDC program is designed to provide local management assistance and technical advice to small businesses. Currently, there are SBDC's in 32 States across the country and in the District of Columbia,

which draw on the resources of the private and public sectors, local business organizations and universities to help small business in their areas. Last week conferees from the Senate and House met and resolved several outstanding issues which in my view will help strengthen the Small Business Development Center Program.

Mr. President, the bill we are considering here today represents months of careful review and examination by both Houses. The Senate passed S. 1429 on November 16, 1983, after holding three hearings on the program and conducting two independent evaluations. The House also has held several hearings on this program and also passed a bill on May 14, 1984, to extend and make certain modifications in the SBDC Program.

Mr. President, for any of my colleagues who wish a more detailed history of this legislation, I would refer them to the committee report on S. 1429, which describes the development of the SBDC Program since its inception as a pilot program of the SBA in 1976. I think it important at this point, however, to review a little of this history.

In response to studies demonstrating that many business failures were caused by a small business owners' fundamental lack of management and technical skills, SBA in 1976 sought to find new ways of providing needed management assistance and counseling to small firms. Eight centers, based at universities, were funded on a pilot basis.

Although the initial pilot centers had many flaws, the Small Business Committee believed that the underlying concept of using private business and educational resources to deliver management assistance was a good one.

In 1979, a bill formally authorizing the SBDC Program and setting up a statutory framework for the operation and management of the centers was introduced, and in 1980, was enacted into law as part of Public Law 96-302. This law included a provision to sunset the program on October 1, 1984. This sunset date was further extended to January 1, 1985, with the enactment of Public Law 98-177 on November 29, 1983. The purpose of this 3-month extension was to provide Congress time enough to complete its study of the program and allow the SBDC Program to continue without funding interruptions.

Mr. President, since 1980, when Public Law 96-302 went into effect, the program has grown considerably. As I noted, SBDC's are located in 32 States plus the District of Columbia, and SBA fully expects that, with the reauthorization of this program, it will continue to grow and operate in most of the 50 States within 5 years. The committee has taken a long and careful look at this program. Based on the performance of the program to date, I believe wholeheartedly that the SBDC Program should continue to enjoy the support of Congress. As in any new program, it has had its problems. However, its track record shows clearly that this delivery system does provide valuable advice and assistance to small firms.

Last week in conference with the House, additional modifications to the program were agreed to which, in my view, correct some of the problems that have surfaced during the operation of this program. These modifications to the program will permit existing and future SBDC's to provide even more efficient and effective counseling and management assistance to the small businesses in the communities they serve.

A detailed explanation of all of the provisions agreed to is contained in the conference report, but let me highlight the major points agreed to in conference.

NEW FEDERAL MATCH REQUIREMENT

Current statutory language authorizing the administration to award financial assistance to eligible recipients for the establishment and operation of small business development centers requires each recipient to provide matching funds. Specifically, the law requires the recipient to provide matching funds derived exclusively from non-Federal sources, in an amount equal to the amount to be awarded by the administration. The matching requirement specifies that no more than 50 percent of the recipient's match is permitted to be in the form of inkind contributions or indirect costs. This statutory limitation on the extent to which indirect costs and inkind contributions can be used for the match leaves unstated the composition of the other 50 percent of the match, though it was understood to be cash.

The conference agreement clearly states that the other 50 percent of the required match would be in the form of an upfront hard cash contribution from non-Federal sources. The statutory language adopted by the conferees amends the existing match requirements by spelling out that 50 percent of the non-Federal match must be in the form of cash. To answer concerns that some SBDC's might not be able to meet this upfront cash requirement on an immediate basis, the conference agreement provided for a transition period to allow individual centers and State legislatures, when and where appropriate, to make the necessary adjustments in their budget procedures. This transition period would work as follows:

In the 32 States and the District of Columbia in which the SBDC's exist today, the cash requirement is effective for grants for performance commencing on or after October 1, 1987.

For the other 18 States who have yet to enter this program, the cash match requirement would be required for grants for performance commencing on or after October 1, 1988, if the applicant is located in a State which receives its initial grant for performance commencing on or after August 1, 1984 and prior to October 1, 1986. The cash match is required for grants for performance commencing on or after October 1, 1986, if the applicant is located in a State which receives its initial grant for performance commencing on or after October 1, 1986.

SBDC AUTHORIZATION

Current law authorizes the appropriation of "such sums as may be necessary" to provide funding for SBDC's based on a formula comparing population to be served to the total U.S. population, with a program cap of $65 million. The 1984 appropriation for the SBDC Program is $25 million. The State, Justice, Commerce appropriations conference report for fiscal year 1985 agreed to a $28.5 million level for fiscal year 1985.

The Senate bill as passed, provided for specific authorization ceilings for the SBDC Program in each of the next 3 fiscal years.

Under the conference agreement, the Senate language for fiscal year 1985 was adopted, providing for a $30 million program level. For fiscal year 1986 and every year thereafter, however, in order to accommodate anticipated, gradual growth in the program without unduly imposing restrictive program levels, the conference agreement authorizes such sums as may be necessary to be appropriated solely to operate the SBDC Program. It is important to note that the statute still contains as part of the allocation funding formula an overall program cap of $65 million. This language is consistent with current law.

PEER REVIEW

Current law provides for a one-time evaluation of the SBDC Program, with a report to be submitted to the Congress. That evaluation was undertaken and completed in 1983. The required report was submitted to Congress and used by the committee as part of its overall examination of the SBDC Program.

In order to ensure that this program and individual centers continue to be monitored, the conference agreement requires that SBA develop and implement a proposal for an onsite evaluation of each federally funded SBDC. This proposal must be completed by SBA within 6 months of enactment of this legislation. The evaluation process will be conducted every 2 years and provides for the participation of representatives of at least one other SBDC in each of the reviews.

SUNSET OF THE SBDC PROGRAM

Under existing law, the SBDC Program is due to expire or "sunset" on January 1, 1985. It is the strong belief of members of both the Senate and the House Small Business Committees that the SBDC Program is a valuable resource and asset to the small business community and should be made permanent. However, the conferees also agree, and I join with them in this assessment, that in order to ensure the continued success of the program, it is necessary that Congress continue to effectively monitor and examine through the oversight process the growing network of SBDC's throughout the country. Therefore, the conference agreement provides for a sunset date of October 1, 1990. This, we believe provides a means for Members of the Senate and House to revisit the SBDC Program to review its growth and development, and to make any programmatic changes if they are needed.

Mr. President, I believe the SBDC Program has proven itself as an effective management assistance program for small business. The Senate reaffirmed this fact last year when it voted unanimously to pass S. 1429 in its original form. I believe that the changes which have been made in the conference report represent an acceptable compromise between the Senate and House bills and will give the program a solid statutory base to build upon. I urge my colleagues to accept this conference report.

Mr. BUMPERS. Mr. President, I rise in support of the conference report on S. 1429, the Small Business Development Center Improvement Act of 1984. This conference report will make a number of improvements in the operation of this important management assistance program in the Small Business Administration. The bill will also provide for an extension of the program until October 1, 1990. I urge my colleagues to support the conference report.

As the ranking Democratic member of the Senate Small Business Committee, I know all too well that one of the most frequently cited reasons for small business failure is the lack of management capability. Even with its extensive field network, Congress was concerned about the ability of the Small Business Administration's employees to meet effectively and efficiently the small business community's requirements for management assistance. Under the outstanding leadership of the former chairman of the Senate Small Business Committee, Gaylord Nelson, and my predecessor as the ranking Democratic member of the Committee [SAM NUNN], in 1980 the Congress built upon an administrative effort undertaken by SBA in 1976 and legislatively created a pilot small business development center program. During the 4 years that the legislatively based pilot program has been in existence, 32 States and the District of Columbia have met the statutory criteria for eligibility and are actively participating in the program. An additional two States will probably be brought into the program before the end of this Federal fiscal year. I have every reason to expect that an additional five or more States will come into the program within the next year, as well. It is evident from the number of applicants coming into SBA that the States and their small business leaders recognize the value of this program and its capability for success.

In the original legislation establishing this program, Congress provided for a sunset of this program on October 1, 1984. Subsequently, in Public Law 98-177, enacted on November 29, 1983, Congress extended that sunset deadline until January 1, 1985. This legislation will further extend the sunset date on this valuable program until January 1, 1990. While we have agreed to a further sunset date, however, I want to highlight the statement of managers in the conference report on this point:

(T)he conferees acknowledge that the pilot SBDC program enacted in 1980 has been very successful in providing management assistance to small business (and) a further sunset date was included only to ensure that the Congress, the Small Business Administration and the SBDC program managers would review the growth and development of the SBDC program.

As designed by Congress, the Small Business Development Center Program is to provide comprehensive management and technical assistance to the small business community. The SBDC's should bring together the resources of government at all levels with the resources of the university systems and the private sector. There has been an extensive oversight of the program and hearings by the Senate Small Business Committee during the past 2 years. There have been periodic program and financial audits undertaken by the Small Business Administration. The statutorily mandated program evaluation was undertaken by a private contractor during 1982 and did an extensive evaluation of the centers then in operation. Each of these has proven that the SBDC Program is meeting the congressional intent to establish a cooperative program that will provide quality management assistance to small business.

Mr. President, the conference agreement does not vary significantly from the program being operated in current law. Through a phase-in of a new definition of the cash-match requirement, the conferees have taken action to strengthen the financial position of each SBDC, ensure a greater level of commitment and awareness of the operation of the SBDC in each State, and insist that this program is truly a one-for-one match. We have taken action to ensure that the statute is more explicit on the recognition that this program requires both full-time SBDC staff attention and convenient service delivery to its clients. We have directed the Small Business Administration to develop and implement a program for a biannual, onsite review of each SBDC, and directed that the agency include the participation of at least one outside SBDC as part of each review.

Mr. President, from my perspective on the Senate Small Business Committee, this program has proven that the Small Business Administration, in cooperation with the universities of our Nation, the private sector management consultants and other experts, can help fill that management void. As the senior Senator from the State of Arkansas, I also know first hand how this program has benefited the small businesses of my State.

The Arkansas Small Business Development Center program was initiated in 1979. Today, under the leadership of the industrial research and extension center of the University of Arkansas, and a consortium of eight other Arkansas colleges and universities, the Arkansas SBDC network serves small businesses throughout my State through nine service units. In addition to the basic general business management services, the Arkansas SBDC also provides specialized services to small businesses wishing to export—through an international trade center working with the Arkansas Industrial Development Commission—and a capital formation advisory service.

Mr. President, our authorizing committee will continue to evaluate the effectiveness of this program and its implementation by the Small Business Administration. Our review to date indicates several areas of the program that need to be more carefully examined in the near future. However, we have unanimously reached the conclusion that the SBDC program is an effective means for providing necessary management assistance to small business.

I want to compliment the chairman of the Senate Small Business Committee [Senator WEICKER] and my colleague from Georgia [Senator NUNN] for their outstanding leadership in carefully reviewing this law, and bringing forward a package of legislative reforms that will have a significant and positive impact in improving the chances for small business success.

I urge my colleagues to support the conference report on S. 1429.

Mr. NUNN. Mr. President, I rise in support of the conference report on S. 1429, the Small Business Development Center Improvement Act of 1984 and urge its passage by the Senate. This

conference report will provide for the extension of the Small Business Development Center program created by Congress in 1980. During the past 4 years, the program has proven its value in providing management assistance to small business in an effective and efficient manner.

I am a strong supporter of the program, and have been directly involved in every legislative phase of its creation, growth, and extension. From our reviews, we know that a properly functioning, properly managed, and properly funded SBDC program has proven that it can make a difference in assisting in the successful operation of many of this Nation's small business concerns. However, our review has also demonstrated that there are limitations to what this program can and should do.

In these times of difficult economic circumstances, small businesses in particular are still failing at record rates. Empirical evidence shows that the lack of management expertise is one of the most common problems facing the small business owner. In August 1982, in a private survey undertaken by Safeguard Business Systems—a large business—jointly with the University of Texas at Austin, more than half of the businesses with 10 or fewer employees surveyed indicated that business failures resulted from internal causes, and of that group 30 percent listed "lack of management expertise" as the primary cause.

In 1976, the Small Business Administration began its own program of small business development centers. Eight centers, including one in my own State of Georgia, were formed to determine the feasibility and effectiveness of increasing the reliance on the private sector for providing management assistance to small business.

In March 1977, I had the privilege of chairing the first hearing by the Senate Small Business Committee on legislation that was ultimately to become the Small Business Development Center Act of 1980. At that 1977 hearing, I noted that the Agricultural Cooperative Extension Service, created over 100 years ago, had proven that the combination of the private sector, the university community, the States, and the Federal Government can jointly make tremendous strides in increasing farm productivity. As I said then, and still firmly believe, the needs of the agriculture and small business communities are similar, and that agriculture program was worth duplicating for the small business sector.

In February 1983, in Georgia, I also chaired the first congressional oversight hearing on the implementation of the 1980 Small Business Development Center program. On June 8, 1983, I joined with Chairman WEICKER and six other members of the Senate Small Business Committee in introducing the legislation in the Senate (S. 1429) that proposed to make the SBDC program permanent. Throughout our committee's extensive review and oversight hearings, I raised four key questions about this program:

Is the Small Business Development Center program providing management assistance that would not otherwise be available to small business?

Is this program a cost-effective way of providing management assistance?

Has there been a sufficient test of the pilot program so that Congress is capable of fully and fairly evaluating the performance of the program? and

Are there changes in law that Congress should make that would increase the potential for success of this program?

With the legislative work that has been done by both the Senate and House Small Business Committees, I feel confident in telling my colleagues today that with the adoption of this conference report, we can confidently answer each of those four questions with a strong "yes."

Mr. President, the conference report pending before the Senate will strengthen the SBDC program. It will clarify the requirements for eligibility and strengthen the partnership between the Federal Government, the States, the university community, and the private sector in providing management assistance to small business. We have provided for another sunset date for the SBDC program, but it is clear that this date was included only to facilitate a future review of the changes that have been made in the operation of the program as a result of this legislation, and to provide for a convenient means for assessing the growth and development of this important SBA program. Frankly, there are areas that will need periodic monitoring by the Congress.

I want to take this opportunity to thank the chairman of the Senate Small Business Committee, Senator WEICKER, for his leadership in this program during its creation and in the oversight phase. I also want to thank my successor as the ranking Democratic member on the Small Business Committee, Senator BUMPERS, for facilitating the extension of ths important program and for his guidance and leadership in working out the conference agreement. Others on the Small Business Committee, including my friends from Kentucky [Mr. HUDDLESTON] and Massachusetts [Mr. TSONGAS] have outstanding and varied SBDC programs in their States, and both Senators have contributed significantly over the years to the growth and develcpment of this small business development center program.

Mr. President, I urge the Senate to adopt the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

ORDER INDEFINITELY POSTPONING CERTAIN ITEMS

Mr. BAKER. Mr. President, may I say to the minority leader that the following items are available to be indefinitely postponed. Calendar 132, which is S. 1117; Calendar 567, House Concurrent Resolution 168; Calendar 735, which is S. 2522; Calendar 843, Senate Resolution 329; Calendar 876, which is S. 2584; and S. 1037, which is not on the calendar, but which is at the desk.

If he has no objection, I will make that request now en bloc.

Mr. BYRD. Very well.

Mr. President, there is no objection on this side, with the exception of one calendar order and that is calendar order No. 843, which the distinguished majority leader mentioned.

Mr. BAKER. Very well, Mr. President, then I ask unanimous consent that the items just listed, with the exception of Calendar 843, be indefinitely postponed.

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

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I am advised that certain items may be cleared on today's executive calendar.

Could I inquire of the minority leader if he is prepared to consider any of the items on today's executive calendar by unanimous consent?

Mr. BYRD. Mr. President, the following calendar orders have been OK'd on this side: Calendar Order No. 707 and Calendar Order No. 928, and that completes the list.

Mr. BAKER. Mr. President, I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session now for the purpose of considering the two nominations just identified.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The first nominations will be stated.

31-059 O-87-31 (Pt. 16)

NATIONAL SCIENCE FOUNDATION

The legislative clerk read the nomination of Erich Bloch, of New York, to be Director of the National Science Foundation.

Mr. KENNEDY. Mr. President, I bring to the attention of my colleagues the pending nomination of Erich Bloch for Director of the National Science Foundation. Mr. Bloch is eminently qualified to serve as the Director of our Nation's leading science agency, having distinguished himself in the field of computer technology. He presently serves as a vice president of technical personnel development at IBM.

Mr. President, I bring to the attention of my colleagues this nomination because of the pending departure of Dr. Edward Knapp from the Director's post. Without deliberate action on our part to fill the Director's post at NSF there will be a serious void in the leadership at this important agency.

I urge the leadership and my colleagues to consider immediate action on this important nomination.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Harold J. Lezar, Jr., of Texas, to be an Assistant Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. BYRD. 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 ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

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

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

100 HOURS OF SERVICE AS THE PRESIDING OFFICER.

Mr. BAKER. Mr. President, it has been brought to my attention that the distinguished occupant of the Chair, the Senator from Mississippi [Mr. COCHRAN] has a few moments ago completed his 100th hour of service as the Presiding Officer of the Senate. I congratulate the Senator from Mississippi for that accomplishment.

I have often remarked that what little I know about procedure I either learned from the present minority leader or sitting in the chair and watching.

It is a valuable experience and one that I thoroughly enjoyed when I had the opportunity to do that.

Mr. President, I congratulate the Senator from Mississippi for his good work, and I wish him well in the next 100 hours of duty that he may preside over the Senate.

Mr. President, that completes my list of items for today.

Does the minority leader have anything else to address to the Senate?

Mr. BYRD. Mr. President, I thank the majority leader. I do not.

PROGRAM

Mr. BAKER. Mr. President, when the Senate completes its business today it will stand in recess until 10:30 a.m. tomorrow.

After the recognition of the two leaders under the standing order, two Senators will be recognized on special orders to be followed by a period for the transaction of routine morning business until the hour of 12 noon.

At 12 noon the Senate will stand in recess until the hour of 2 p.m. At the hour of 2 p.m. the Senate will turn either to the consideration of the pending motion to waive certain provisions of the Budget Act with respect to the agricultural appropriations bill or the supplemental appropriations bill and matters appurtenant thereto, or the small business spare parts bill under the time limitation entered into today.

It is not anticipated that tomorrow will be a late day, but I do anticipate that it will be a full day.

Senators should be on notice, however, that any day this week may be a late day, since this is the final week before the scheduled recess over until after the Labor Day recess and prior to the Republican National Convention.

DEATH OF REPRESENTATIVE CARL PERKINS OF KENTUCKY

Mr. BAKER. Mr. President, I send to the desk a resolution in respect to our late colleague, Representative CARL PERKINS of Kentucky, and ask for its immediate consideration.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 428) relative to the death of Representative CARL PERKINS of Kentucky.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Carl Perkins, late a Representative from the State of Kentucky.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

Without objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, it was with deep sorrow that I learned of the death of our colleague in the House of Representatives, CARL PERKINS.

This native son of eastern Kentucky compiled a legislative record that stands as a testimony to his 33 years of service. Taking over as chairman of the House Education and Labor Committee in 1967, he managed large pieces of then-President Lyndon Johnson's antipoverty program. He earned the label of being a champion of social welfare legislation, including job training and school lunch programs.

Despite his perpetual grin and soft manner and Kentucky twang, CARL PERKINS stood tall as a man who knew how to get a job done. He considered his greatest legislative triumphs to be the Vocational Education Act of 1963, the Elementary and Secondary Education Act of 1965, and the black lung benefits in the Coal Mine Health and Safety Act of 1969.

One of his last legislative initiatives was the House-passed bill to allow student religious groups to meet in public schools.

We all mourn the loss of CARL PERKINS. His absence will be greatly felt in both his home State of Kentucky and in the country as a whole.

KENTUCKY HAS LOST A GIANT

Mr. FORD. Mr. President, Kentucky has lost a giant.

Congressman CARL DEWEY PERKINS, who represented the people of Kentucky's Seventh District in the U.S. House of Representatives since his election in 1948, died August 3 as he was returning home to his beloved Kentucky.

It would be hard for me to exaggerate the impact this man has had on Congress, on Kentucky, and on our Nation as a whole. As chairman of the House Education and Labor Committee, Congressman PERKINS was responsible—sometimes more than any other person—for some of the most progressive legislation our Nation has seen since the New Deal. He wrote the Vocational Education Act of 1963. He was a key force behind the Elementary and Secondary Education Act of 1965, which created remedial help for disadvantaged children and provided aid for school libraries. He was one of the fathers of the Appalachian Regional Commission, which has helped some of the poorest sections of eastern Kentucky and other States obtain badly needed hospitals and roads. A recent news story aptly described CARL PER-

KINS as a "field general in the war on poverty."

But beyond his legislative achievements, CARL PERKINS never forgot his roots. He was a mountain man, in the finest sense of the word. He returned, at every opportunity, to his farm in the mountains of eastern Kentucky. And he preferred to drive the backroads alone, talking with "my people," as he affectionately called his constituents.

It has been frequently noted that Congressman PERKINS had remained a Member of the House of Representatives so long that only three sitting Representatives had more seniority than he. But I submit, Mr. President, that CARL PERKINS' greatest achievement was not his longevity, but his ability to serve his constituents effectively while also making a mark as an outstanding national legislator. He had a vision of America—but he never let his view of the folks back home grow dim.

CARL PERKINS' death has left a void that will be difficult, if not impossible, to fill. But his fight to end poverty in Kentucky and elsewhere will never be forgotten.

Mr. DODD. Mr. President, I rise to pay tribute to a great friend and colleague, Representative CARL PERKINS of Kentucky.

I became acquainted and worked with CARL PERKINS during my tenure in the House of Representatives from 1974 to 1980. More recently, I testified before the House Subcommittee on Elementary, Secondary, and Vocational Education, which Congressman PERKINS chaired for 17 years, in an effort to provide adequate support for quality science and mathematics education throughout the Nation.

CARL PERKINS was a staunch advocate of education and social reform for many years. He was, for example, 1 of 11 Southern Democrats who voted for the Civil Rights Act of 1964. Although this genteel "country lawyer" was perceived by many to be laid back and a soft touch, few legislators have equaled his skill in managing and promoting legislation.

In 1967, for example, as chairman of the House Education and Labor Committee, he was ultimately responsible for the passage of the majority of President Johnson's "war on poverty" programs.

Perhaps one reason for his continued dedication to equality and reform was his rural teaching experience where he, with one other associate, was responsible for the education of 90 students, all for the sum of $59.60 a month.

Even after the Johnson era, this education and social pioneer continued to support programs such as child care and nutrition, aid for public libraries, adult education, vocational education, job training programs, and more recently, legislation to permit student religious groups to meet in public schools.

CARL PERKINS will be missed in the Congress of the United States. He has left a legacy and example of commitment, hard work, and dedication for Members of both Houses to admire and respect. We will miss this great leader. We can, however, become better legislators because of our association with him.

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

The resolution (S. Res. 428) was unanimously agreed to.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, if no other Senator is seeking recognition and if the minority leader has nothing further, and I see his indication that he does not, I move, in accordance with the previous order, and pursuant to Senate Resolution 428, as a further mark of respect to the memory of the deceased Hon. CARL PERKINS, late a Representative from the State of Kentucky, that the Senate stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to; and at 6:24 p.m., the Senate recessed until tomorrow, Tuesday, August 7, 1984, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 6, 1984:

NATIONAL SCIENCE FOUNDATION

Erich Bloch, of New York, to be Director of the National Science Foundation for a term of 6 years.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Harold J. Lezar, Jr., of Texas, to be an Assistant Attorney General.

EXTENSIONS OF REMARKS

OUR IMPERILED MERCHANT MARINE

HON. JACK FIELDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. FIELDS. Mr. Speaker, I would like to bring to the attention of all Members of this distinguished body, a newspaper article recently authored by the gentleman from Virginia, my friend, HERB BATEMAN. Congressman BATEMAN is a very active member of the Committee on Merchant Marine and Fisheries and is considered by many, including myself, an expert on the issues concerning the American Merchant Marine. He was recently designated, with the gentlelady from Louisiana [Mrs. BOGGS], as cochairman of the Congressional Shipbuilding Coalition.

This article describes the deteriorated state of our Merchant Marine, shows the importance of a strong U.S. cargo fleet and shipbuilding capability for national security purposes and summarizes some proposed solutions to our maritime problems. We are all dedicated to maintaining a national defense which is capable of insuring our national security. In light of this fact, I urge my colleagues to reflect upon the points made by the gentleman from Virginia.

The article follows:

[From the Newport News, Daily Press, June 15, 1984]

STORMS AHEAD FOR AMERICA'S MARINE

(By Herbert Bateman)

WASHINGTON.—The security of any nation rests upon the twin foundations of military and economic strength. A country lacking adequate military power cannot defend itself or its interests, and similarly a nation whose economy is a shambles risks destruction either from internal collapse or external attack. A strong American maritime industry is an important element in both our military and economic strength.

Fundamentally, we need strong shipping and shipbuilding industries because ours is perforce a maritime nation. Not only are we dependent upon foreign sources for many of the materials deemed critical to our economy and our defense industrial base, but we must also rely upon an emergency sealife capability to sustain our forces abroad.

Today our maritime industries are in deep trouble. We simply are not meeting the responsibility of any maritime nation to maintain its strength at sea. We depend upon foreign crude oil for 45 percent of our domestic requirement, and on imports for 22 of 26 strategic non-fuel minerals, yet our weak and dwindling bulk fleet carries only about 1 percent of such cargoes. While we generate 20 percent of the world's trade, we carry only a tiny fragment of this commerce in our own ships. The market share of U.S.-flag vessels in our foreign trade has sunk from 50 percent in 1948 to less than four percent today.

And the nation's shipyards, heavily dependent on Navy contracts, are in need of commercial orders on retain and expand their work forces and modernize their aging facilities.

A recent sealift study by the Department of Defense demonstrated the continuing decline of the American Merchant Marine and found that the current resources already are "marginally inadequate" to meet the first-phase requirements of a global war. In that connection, it should be noted that a global war—which some contend is unlikely—is not the only exigency in which an American sealift capability would be of importance. If a U.S. "rapid deployment" force meets consolidated resistance, it would easily be defeated in the absence of a merchant fleet capable of carrying out resupply.

It has been suggested that the United States need not maintain a strong U.S.-flag fleet because American-owned ships registered under "flags of convenience" would be available in time of military need. But in 1973 Liberia gave the lie to that notion by banning use of the 385 U.S.-owned ships under its flag for U.S. support of Israel in the Yom Kippur war.

Others have contended that there is no need to maintain healthy American shipyards because vessels can be built more cheaply abroad. But who can reasonably maintain that we should rely on foreign yards to supply the indispensable national security requirements of a maritime nation?

The present plight of American maritime industries is not something new in our history. On April 2, 1789, the shipwrights of South Carolina petitioned the fledgling House of Representatives in these plaintive words:

"From the diminished state of shipbuilding in America, and ruinous restrictions to which our vessels are subject in foreign ports from the distressed condition of our commerce, languishing under the most disgraceful inequalities, its benefits transferred from own citizens to strangers, who do not, nor ever will, feel those attachments which can alone render a mercantile interest useful to a country . . . . With deference and respect, your petitioners humbly entreat the early and earnest attention of your honorable House to these important considerations."

Today, more than ever, there is a need for a strong American merchant fleet and for a vigorous U.S. shipbuilding industry. The problem is how to finance this revitalization.

One key element in such a strategy is channeling more U.S. cargo into U.S. ships, or what is commonly called cargo preference. I am a co-sponsor or a major bill to enhance our sadly neglected bulk-cargo fleet. It would require shipment of 5 percent of U.S. bulk cargo in American ships at the outset, increasing the U.S. share in 1 percent increments to a level of 20 percent in 15 years.

A number of bulk shippers—farmers and coal producers prominently among them—have objected to the cost increases that probably would accompany implementation of this policy. I think their objections have some merit. I am working with experts in Washington to draft a measure providing tax credits to shippers who encounter higher freight rates because of cargo preference laws, both those now on the books and any to be enacted in the future. Since all Americans benefit from the enchanced security provided by a strengthened merchant fleet, the burden of financing our maritime redevelopment should not be concentrated on any one segment.

One reason why is it important to explore new approaches such as the bulk cargo preference measure is the dismantling, over the past few years, of other government supports for the maritime industries. Notable among these is the construction differential subsidy (CDS) program, under which the government for 34 years provided a subsidy covering most of the difference between the cost of building abroad and the higher cost of building in American yards.

No funds are now being provided for FRS. I am a co-sponsor of legislation to provide some new funding for the program, but I can't be optimistic that it will be approved in this period of high deficits and intense competition for scarce budget dollars. Indeed, I would not be backing such legislation were there not such a pressing need to strengthen our shipbuilding base and provide a secure domestic source for certain kinds of ships essential to mobilization. Designs for CDS ships must be approved by the Navy.

American ship operators cannot do without replacement for aging vessels, and in the absence of a differential subsidy, pressures quickly built up for subsidized U.S. operators to be permitted to contract for ships in foreign yards, something prohibited under current law. These pressures led to authorization for operators to "build foreign" for a one-year period ending in October 1982. Under this waiver of the law, 48 ships were contracted for building or reconstruction in yards overseas, and last year Congress authorized an additional six ships for two other lines.

Continuation of the "build foreign" exemptions will only lead to further erosion of our shipbuilding base. I am sympathetic to the situation of the liner operators, but I think it is the duty of the government to find a means for financing their construction needs in the United States.

Another element in the subsidy program is the operating differential subsidy (ODS) provided for operators of ships on trade routes deemed essential to U.S. commerce. ODS parallels the former construction subsidy in that it is designed to make up the difference between the operating costs of American-flag and foreign ships. The administration is continuing current operating differentials, but it is entering no new contracts. Thus there can be no growth in the American-flag liner fleet until the policy changes.

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

A third element of government support for the merchant marine is Section 27 of the Merchant Marine Act of 1920, better known as the Jones Act. Under this law, trade among U.S. ports is reserved for ships built in the United States and flying the American flag. No operator of a ship in the Jones Act trade can receive an operating subsidy. Today the so-called "Jones Act Fleet" consists of only 216 ships, of which 175 are tankers. Many of these tankers are engaged in hauling crude oil from the Alaskan fields. Yet small as this fleet is, it now represents more than one-half of all American-flag ships.

Over the last several years, even the tiny Jones Act fleet has come under assault. Repeated efforts have been made to waive the act to permit entry of specified foreign-built ships into the domestic trades. Most recently, there is a still-active effort to permit two ships of the British Cunard line to enter the American cruise trade after purchase and refurbishing by an American operator and registry under the U.S. flag. This kind of chipping away serves to remove more and more opportunities for commercial contracts for U.S. shipyards and for the augmenting of the U.S.-flag fleet.

Sometimes we hear it said that the maritime industries are a burden on the taxpayers because they fail to take the steps necessary to make themselves competitive in a world market. While I know of few if any officials of ship lines or shipbuilding companies who wouldn't concede there should and must be cost cutting (indeed, a number of unions and companies are cooperating to that end right now), the point about competitiveness can be overstated. Other Nations subsidize their shipyards and merchant fleets, often heavily. Indeed, the very steel that is the principal raw material for ships often goes to foreign shipyards from subsidized mills.

The point is that we are not dealing in a truly free market. If subsidization be a sin, America is not the only sinner, and in the fact today may be one of the minor transgressors.

This is not to say that we have nothing to learn from the labor and production efficiencies practiced abroad. On the contrary, we should learn and put into practice every method of economizing that is feasible. Our own Newport News Shipbuilding has pioneered a number of improvements in shipyard production efficiency, and hopefully this trend will become industry-wide.

With enhanced productivity in the maritime industries, and with a reasonable and consistent policy of government support, we can have the revitalization that is so important to our economic well-being and our national security. Without them, we shall continue to sail in harm's way.●

SUPERFUND FOR LAWYERS

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. BROYHILL. Mr. Speaker, as the House prepares to consider H.R. 5640, the Superfund Expansion and Improvement Act, later this week, I want to bring to the attention of my colleagues an editorial which appeared in the Washington Post on August 3, 1984, on but one of the many troubling aspects of the bill. The editorial raises several thought-provoking questions concerning title II of H.R. 5640. This title provides a brand new Federal cause of action for people who believe they have suffered injury from toxic waste.

Putting aside the added burden upon the Federal courts, the terms of this victims compensation scheme are, as the editorial points out, not only "more lenient than those prevailing in State courts, but also depart from carefully developed rules governing other Federal court actions."

Under the guise of addressing a legitimate problem relating to an individual's access to State courts, title II of H.R. 5640 exposes a company to liability for full damages even if the company was responsible for only a small portion of the waste and was operating in a lawful manner.

I urge the Members of the House to give serious thought to the ramifications of adopting this type of approach to dealing with the very serious issue of victims compensation.

The text of the Washington Post editorial follows:

SUPERFUND FOR LAWYERS

Congress doesn't have to act on Superfund until the fall of next year. But it would like to assure voters before this fall's elections that hazardous-dump cleanups will not only continue, but expand in the future. That's understandable. But Congress, eager to appear attentive to people who claim their plight results from exposure to chemical wastes, is also considering adding victim compensation provisions to the law. That raises difficult questions of legal policy and social equity.

People who believe they have suffered from toxic wastes can, of course, sue for damages in state courts. But because toxic exposure may be only one of many factors contributing to an illness, claimants have found it difficult to win these cases and are pressing for more responsive federal compensation system. Earlier this year a House subcommittee rejected a proposal setting up an administrative compensation system so generous that it might have ended up compensating almost everyone in the United States who contracts cancer.

Now—despite unanimous disapproval of a committee of well-known lawyers appointed to review compensation approaches—a House committee has approved, and a Senate committee is considering, letting people sue for exposure damages in federal court. The terms are not only more lenient than those prevailing in state courts, but also depart from carefully developed rules governing other federal court actions.

A person claiming damages could, for example, choose to sue any company that had ever generated or transported waste dumped in a site, operated a site or owned land on which waste was dumped. Full damages—covering pain and suffering, legal fees and reduced property value because of a site's location— could be collected from any one defendant, even if that company had added only a small amount of waste to the site, had done so at the direction of local authorities or was in no way negligent. The losing company could then try to sue all other contributors to the dump if it could find them—and if it could afford it.

Provisions such as these fly in the face of what most people think is fair. They wouldn't even work well for victims. As in asbestos exposure cases, some victims would get bigger settlements than others with far more severe injuries. More than half of the benefits would go for legal costs. Promoting more lawsuits could also paralyze cleanup efforts, since companies would be even less willing to admit involvement and dumps might have to be left unchanged for evidence.

Superfund was designed to make all generators of hazardous wastes contribute to cleanup efforts. Civil and criminal actions are also being pursued against especially egregious violators. And state courts are, with proper caution, developing principles to deal with toxic exposure cases. Superfund's purpose is to clean up dumps that are, even now, leaking toxic wastes into water supplies. Progress on that front has been far from spectacular. The Superfund legislation ought not to be diverted into the very separate question of dealing with environmental health damages, a subject that leads very quickly into the broader issue of how far this country wants to go in guaranteeing full health coverage and disability benefits to everyone.●

DUDE ALLEN RETIRES

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. PICKLE. Mr. Speaker, it used to be in this country that your perception of the Federal Government was based on your contact with your postmaster because in many communities, the postmaster was the Federal official you encountered most often. If there is still any truth to this, then the people of Smithville, TX, probably have a good feeling about their Government because Dude Allen, the postmaster in Smithville for the last 18 years, has been on the job.

Dude Allen was appointed under the rules of congressional privilege, and I was pleased to recommend him for the job. And now some 18 years later, I take pride in pointing out that Dude Allen has been one of the ablest men to serve as postmaster in the State of Texas and, yes, I believe in the entire Nation.

You might say Dude Allen is one of the old fashioned postmasters; he knew the people, visited with them regularly, discussed the probelms of the community, and gave the kind of personal service that we rarely see anymore.

But Dude Allen has not only been a gem of a postmaster, he has been and is one of the finest men in his community. He has taken a lead in every community project. He has been a public servant in every sense of the word. When Dude Allen retired last Friday, we truly lost a friend.

To Dude and Lou—Dude's lovely, understanding, and magnetic wife—we

express our appreciation for the service he's rendered. I place my mark on any document testifying that Dude Allen was one of the best. Lord of mercy, how we will miss him.

Mr. Speaker, I would also like to place in the RECORD a newspaper article from the local Smithville newspaper which tells a little more about this dedicated public servant.

DUDE ALLEN STEPS DOWN AFTER 18 YEARS

SMITHVILLE—This Friday at five o'clock, most work-a-day Smithvillians will pack it in and head for home. Five days of work are followed by two days of rest, a time to rejuvenate the body and mind for the troubles and opportunities of Monday morning.

B.W. "Dude" Allen will leave his job as Smithville postmaster this Friday afternoon and walk the one block to his wife's family home on Ramona Street. But unlike his coworkers, Allen won't return Monday morning. On Friday, August 2, you see, Allen, who has directed the delivery of Smithvillian's mail since 1966, will retire.

Dude Allen's retirement will end a portion of post office and Smithville history. Allen was among the last of the politically appointed (and connnected) postmasters. He was named Smithville's chief postman both because he could do the job and because he had helped in the election of Congressman J.J. "Jake" Pickle. The next Smithville postmaster will be determined by a set of rules that makes the income tax code read like Mother Goose.

Although Allen believes that new fangled machines have made the post office more efficient over the years, he says the institution has suffered in the process. Where once Allen say "the curb lined with cars" of people coming to get their daily mail, now city-wide delivery has made the pilgrimage to the stone building on Main Street a necessity only for box holders. "Before I was postmaster," Allen recalls with nostagia, "I'd come to the post office every morning, and I'd see people here every day. They were talking politics, city problems, everything. People knew more about what was going on then."

If Dude Allen sounds more like a post office user than postmaster, it's because he never really intended to work behind the iron office bars. For the first 54 years of his life, after being born on July 16, 1912 in Seguin, he worked as a milk man's "hop boy" during high school, scrounged work through the Depression, working for various federal and state offices, served four long years in the army during WWII, ran a tire store and gas station in Smithville, and ranched and raised cotton on his Bastrop County acreage.

Allen's life was probably like many of those who lived through the 1930s and 40s. The son of a Methodist minister, Allen left Seguin to settle eventually in Austin, where his father oversaw the completion of the Grace Methodist Church. He graduated from Austin High and went on to Texas A&M. After two years at A&M, "I had to quit," Allen remembers, "because I just couldn't get enough money to go back."

He returned to Austin, picking up "any work I could get my hands on," eventually finding steady employment with first the Federal Land Bank and then the Texas Highway Department. In 1939 he married Lou Young from Smithville and in November of 1940 he entered the U.S. Army, joining the 136th Division.

There may have been some troops in the Army during World War II who had it easy, but the 136th wasn't one of them. Allen's division fought through North Africa, Sicily and southern Italy. The 136th was the first group to enter Rome, and when the war ended they were 40 miles inside the Austrian border. The fighting was bitter and Allen remembers it bitterly. "I don't talk about that time much," he says with finality.

Allen flew home after the war, landing in Florida and taking a train back to Austin. After a year and a half stint with a plant in Austin, he and Lou bought a Goodyear Tire store in Smithville and in May of 1946, he moved to the town he would call home for the next 38 years.

Allen managed the Young family ranch (growing his last crop of cotton in 1957) and eventually bought the gas station next to the Hwy. 71 bridge (back when Exxon was still Humble). In his spare time, he helped in a few political races, "running some errands" for Homer Thornberry in a 1947 congressional race and later doing some work for Pickle.

When James Hampton retired as Smithville's postmaster in 1966, Pickle appointed Allen to take his place. Two years later he was confirmed by the U.S. Senate.

And Friday, Aug. 2, 1984, Allen will retire. Over his 38 years in Smithville, he has seen some of the good and the bad. Allen looks forward to the completion of the Smithville Civic Center and points to the industry of Texas Cedar Products, Marhil, Centex and the development of two strong banks as signs of the town's progress. On the other hand, he misses those things that used to hold the community together, the morning coffee groups at the Pines Hotel and the Cactus Cafe and the political free-for-alls on the post office steps.

In all, Allen is optimistic about the future of Smithville. "We've got some young people here who are really civic minded," Allen says proudly. And after a two week trip to Japan and China, Dude and Lou Allen will be back at the Young family home on Ramona, cheering them on, walking the block down the street each morning to pick up the mail, and, perhaps, engaging a friend or neighbor about the events of the day before heading back home.●

A TRIBUTE TO EUGENE SCHAFFER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I call attention to a respected citizen from Illinois Fifth Congressional District, which I am privileged to represent, and he is Eugene Schaffer. Eugene has consistently shown that every neighborhood has people who are dedicated to the growth and progress of their community.

Eugene is a longtime resident of the southwest side and his efforts have been in numerous community activities. His participation ranges from civic, volunteer, church, and charitable organizations. Eugene's favorite slogan sums up his commitment to the community, "Make our Community the Greatest in Chicago by being part of its goals."

I join with the residents of the Fifth Congressional District in paying tribute to Eugene Schaffer for his work in our behalf, and I would like to introduce into today's CONGRESSIONAL RECORD a newspaper article honoring Eugene Schaffer upon his receipt of the Ray McDonald Community Achievement Award.

SCHAFFER SELECTED FOR MCDONALD AWARD

The Midway Sentinel proudly salutes Eugene Schaffer as our monthly recipient of the Ray McDonald Community Achievement Award. This recognition is given to Gene for his dedication and service to the community.

Every neighborhood has people that are dedicated to the growth and progress of their community. One of the many workers of the Garfield Ridge Area is Eugene Schaffer. He has been a resident of the Garfield Ridge Area for 38 years. He has served our community through membership and working on various committees. As a member of the Garfield Ridge Civic League he worked diligently in getting the John F. Kennedy High School established as well as the Fire Station and later the Paramedics. He has been a member of the Garfield Ridge Council of Organizations for eight years and their president for one year. He is a charter member of St. Jane DeChantal Parish and has served as an usher for 30 years. He was the first president of the Senior Citizens Club of St. Jane. Presently he is an active member of the Knights of Columbus and serves as an advocate in the All Saints Council of the K. of C.

He became a member of the Midway Kiwanis 17 years ago and has served as a president for two terms, presently he is the secretary in addition to holding this office many times. He has served on the committee to help needy families and is active in the Crippled Childrens Programs. He assisted his late wife, Marge, in running a Sub-Postal Station at Archer and Austin which later became the Archer Austin Currency Exchange.

He was most active with the Committee for Lech Walesa Triangle dedication, as well as the "Heart for Keith" Fund. He is the Vice Commander of the Midway Chapter #43 Disabled American Veterans. Being a member of the Rhine Post #2729 V.F.W., he has worked at their bingos. Gene is most active in participating in local parades, and is proud of our Garfield Ridge Area.

His favorite slogan is "Make our Community the Greatest in Chicago by being a part of its goals."

His dedication and tireless efforts towards the betterment of his community truly exemplifies the standards and goals set by our late editor Raymond "Riggs" McDonald.●

WIN OR LOSE—FREMONT'S GLENN MEYERS IS A CHAMPION

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. VANDER JAGT. Mr. Speaker, I know I don't have have to remind any

one in this Chamber—perhaps anywhere in the United States—of the ongoing Olympic games in Los Angeles. What a thrilling, stirring experience this has been for the entire world and certainly for the United States of America.

It is a very special time and a very special experience. And, like many of my colleagues, I have a very special interest, especially Wednesday when the Olympic archery tournament gets underway. One young man competing in that sport is Glenn Meyers from the Ninth Congressional District of Michigan, which I have the honor to represent in this Congress.

During my recent mobile office tour of the entire district, the hometown of Glenn Meyers, in special arrangements directed by Dr. Dennis G. Semlow, staged a downtown ceremony. The Fremont, MI, community showered their obvious support, friendship, and good wishes on a very modest and somewhat embarrassed Glenn Meyers.

Glenn will be competing with 140 archers from 40 different countries. Though this is being written before the competition, I can tell you right now he's a winner already—win or lose at Los Angeles. Let me tell you why he's a winner—his own words at the hometown ceremony tell it best when he said:

I couldn't have done it without the help of my parents, family, and friends. It helps a lot to have the support of the people from this town.

Is he going to win a medal? Maybe, but as he said, "I'll just go out and try to do my best. That's all I can do."

Really, it was truly a great honor and privilege for me to meet Glenn, his parents and his friends. On August 20, win or lose, there's going to be a "Glenn Meyers Day" in Fremont. As I said earlier, he's already a winner and just to be a member of our great Olympic team is a fantastic accomplishment in its own right.

At this point, I would like to include a very fine news article by writer Richard C. Wheater which appeared in the July 18 edition of the Fremont Times Indicator, Fremont, MI, describing the send off for Glenn Meyers. The article follows:

[Fremont (MI) Times Indicator, July 18, 1984]

FREMONT'S GLENN MEYERS OFF TO L.A. OLYMPICS

(By Richard C. Wheater)

A small crowd of well-wishers, including congressman Guy Vander Jagt, gathered at the corner of Main St. and Division Ave. at noon on Wednesday to send off Glenn Meyers, Fremont's contribution to the Olympic Games.

Meyers, a former national and state champion archer, left Fremont on Friday to head for the National Archery Association National Outdoor Tournament in Oxford, Ohio. He will leave Oxford this week for a trip to the Olympics in Los Angeles.

Glenn will be shooting in the national tournament from Tuesday through Friday. He plans to leave from there for Los Angeles on Saturday, July 21, and spend some time sightseeing and trying to relax before the opening ceremonies on July 28 and the start of the archery competition on August 8. The Olympic archery tournament, like the June Olympic Trials in which Glenn placed third, will include four eight-hour days of shooting.

During his stay in Los Angeles, Meyers will stay with the rest of the U.S. Olympic contingent in a 14-story dormitory at the University of Southern California. He will compete with 140 archers from 40 different countries.

If he wins a medal, he will join other American athletes in a week-long medal-winners' tour which will include stops at the White House, New York City, Disney World and Dallas, Texas. Glenn said with confidence that he plans to return to Fremont after the medal-winners' tour.

The send-off, organized by Meyers' co-workers at the Semlow Fitness and Rehabilitation Center, was a complete surprise to Glenn, who seemed rather startled by all of the sudden attention.

Vander Jagt congratulated Meyers on his achievement of a place on the Olympic archery team and led the crowd in cheers and applause.

"Glenn Meyers is probably Michigan's best bet for an Olympic medal," Vander Jagt told the gathering.

"Whether he wins a medal or not," Vander Jagt added, "he has brought great honor on himself, his family, and this community. Please join me in saluting a great champion, Glenn Meyers."

Meyers, flanked by his parents, Earl and Hazel Meyers, thanked Vander Jagt and the crowd for the send-off and added a note of gratitude for the support he has received.

"I couldn't have done it without the help of my parent, family and friends," Glenn said. "It helps a lot to have the support of the people from this town."

In addition to the personal visit by VanderJagt, Meyers also received a letter from the congressman. Governor James Blanchard also sent a letter and state representative Donald VanSingel offered congratulations by both telephone and letter.

Besides all the attention from politicians, Meyers is also beginning to receive some attention from news media around the state. He reports that the Detroit Free Press, the Detroit News, the Jackson Citizen Patriot and a few television stations have already contacted him.

"They've been keeping him busy," Hazel Meyers said Thursday as Glenn answered a reporter's call from Detroit during his second press interview of the day.

As he prepared to leave for Ohio and then for Los Angeles, Glenn said that he is in good shape physically and mentally and feels confident about his prospects for an * * *.

"I'll just go out and try to do my best," he said. "That's all I can do."

Meyers said that part of the reason for his confidence is the recognized supremacy of American men in international archery competition. He said that only the Japanese team and one Finnish archer are expected to challenge the American men.

"I know the competition is going to be tough," he said. "But my main competition will be Darrel Pace and Rick McKinney, my own teammates."

Glenn said that he will have to beat his best score ever, 1,274, in order to beat Pace and McKinney, who will probably shoot scores as high as 1,300. More importantly, he has set the improvement of his top mark as a personal goal.

"I'm going to have to shoot over 1,300," he said. "I have beaten Darrel and Rick before, and they're supposed to be the best in the world. I think I'm going to do it."●

A CLEAR AND PRESENT DANGER TO RURAL HEALTH CARE

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. TAUKE. Mr. Speaker, over the past decades, our Nation has made great progress in ensuring that rural Americans have access to high-quality, affordable, community-based health care services. I stand before you today to warn you that we will see a halt to this progress and possibly a regression to poorer health care for many Americans unless action is taken to correct the inequities in the Medicare prospective payment system's treatment of rural hospitals. The inequities are so clearcut, so easily demonstrated, that I find the failure of the Health Care Financing Administration to address them in the fiscal year 1985 prospective payment regulations incomprehensible.

Under the new system, rural hospitals are paid less than urban hospitals for the same types of cases on the assumption that costs are lower in rural areas for wages and supplies. With an exception that I will discuss shortly, the assumption that rural hospitals experience lower labor costs is reasonable and accurate. That rural hospitals have lower nonlabor costs is more arguable. What is inequitable in the current system is the size of the gap that is assumed between urban and rural labor and nonlabor costs.

Let me give you an example. Within the west north-central region—Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota—the adjusted standardized amount for the labor component of the DRG reimbursement formula is $1,829 for rural hospitals and $2,283 for urban hospitals. That is a 25-percent difference. I cannot, nor can the rural hospital administrators in my district and health professionals, insurers, and regulators I have spoken with across Iowa, accept that there is a 25-percent difference in rural and urban wages. While the fiscal year 1985 prospective regulations acknowledge the problems with the data used to develop the area wage index factor of the formula, the questions we have raised about the adjusted regional standardized labor component of the formula are not addressed.

Even more difficult to comprehend and accept is the 54-percent difference

in the urban and rural nonlabor regional component for the west-north-central region. Logic tells us that rural hospital costs for nonlabor items, such as supplies and utilities, for example, may often be higher than the costs experienced by urban hospitals, which can order in larger quantities and which may actually get a break on utilities because of higher energy consumption. One possible explanation for this enormous differential is the fact that urban hospitals consume more resources than rural hospitals to treat the same illness. If this is the explanation for the differential, then the prospective payment system is structured to undercut its own goal, which is to make the provision of hospital services more cost-effective through incentives to reduce the consumption of resources in providing services. Again, the questions that rural health services professionals, I, and many others concerned about the future of rural health care have raised about the size of the nonlabor differential are unaddressed in the fiscal year 1985 prospective payment regulations.

The inequity in these differentials is compounded by the way in which the DRG reimbursement formula works. In part of the formula for determining the per case reimbursement rate, the adjusted standard labor component is multiplied by the area wage index, which is also adjusted to reflect the lower rural wage costs. Thus, lower wage costs are "double counted" and rural hospitals doubly disadvantaged, while urban hospitals, with higher wage costs, are doubly advantaged.

These inequities in the labor and nonlabor differentials are particularly acute for hospitals which are classified as rural but which are located near an urban area and which are competing for staff and buying supplies in that urban market. The fiscal year 1985 prospective payment regulations have a great deal of protection to offer those hospitals which have the misfortune of being in an area whose designation changes from urban to rural. The inequities I have pointed out make clear why any hospital which happens to be in an area redesignated from urban to rural has real need of protection and real cause for concern. The regulations have nothing to say, however, about those hospitals which are designated as rural but which are competing in an urban market.

The lack of clarity in the regulations as they define "transfers" (405.470) should be another area of concern to those committed to preserving rural Americans' access to community-based health care. The regulations state:

> . . . We do not count a patient as discharged when the patient is transferred from one patient area or unit of the hospital to another area or unit of the hospital. . . .

This regulation could well be interpreted to mean that a hospital participating in the swing bed program could not count as an acute care "discharge"—triggering the DRG payment—a patient transferred from acute to skilled care. The swing bed program has been the salvation of many rural hospitals struggling to cope under the inequities in the current prospective payment system. The rural hospital administrators with whom I have spoken are understandably unsure about whether the transfer regulations are simply less clear than intended and not an intentional effort to preclude the use of swing beds or actually intentionally doom that option.

These inequities are further compounded when we realize that rural hospitals have a relatively high proportion of Medicare admissions, given the demographics of our rural areas. They have less of an opportunity to recoup their losses as a consequence of these inequities than do hospitals with higher proportion of non-Medicare admissions.

Rural hospitals, often the sole source of hospital care for their communities and the surrounding areas, have historically provided care at lower rates than urban hospitals. Their efficiency and cost-effectiveness are being penalized severely under the current prospective payment system, and no one seems to be listening, to be paying attention to their pleas for corrective action.

There is bitter irony in the deaf ear response. Unless action is taken to correct these inequities, the prospective payment system, designed to contain hospital care costs through rewarding the efficient and cost-effective provision of services will drive out of existence its most cost-effective hospitals. Rural Americans will be forced to travel greater distances to urban facilities, where—as the differentials reveal—their care will be far more costly to Medicare.

If our rural hospitals are forced to shut their doors, rural health care services, in general, will swiftly deteriorate not only for Medicare beneficiaries but for all other rural residents. Doctors will not come into rural areas or remain in rural areas unless they have access to hospitals. In-hospital services constitute a significant portion of rural doctors' incomes, and most doctors do not wish to practice without ready access to more complex diagnostic and treatment services for their patients.

Rural hospitals are not pleading with the Health Care Financing Administration for special treatment. They are asking only that the "playing field be a level one." The prospective payment system is designed to allow the "marketplace" to function in the provision of health care services. Correct the inequities and it will.

I urge you to join with me in demanding that the Health Care Financing Administration start listening to the valid and well-documented concerns of rural hospitals and take already long overdue action to correct the inequities in the current prospective payment system. Bring these inequities before Secretary Heckler and Carolyne Davis. Bring them before your colleagues.

Let us join together to preserve the progress we have made in ensuring that rural Americans have access to high-quality, affordable, community-based health care services.●

HEALTH PROFESSIONS AND SERVICES AMENDMENTS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. AuCOIN. Mr. Speaker, Americans are becoming increasingly concerned over the burgeoning cost of health care. In fact, our Nation devotes over 10 percent of its gross national product to health care, up from 4 percent only 5 years ago.

When the House of Representatives considers H.R. 5602, the Health Professions and Services Amendments of 1984, I urge all Members to support title V of the bill—an important step toward reducing health care costs. Authored by fellow Oregonian, Congressman RON WYDEN, title V would require the Department of Health and Human Services to provide technical assistance to private groups who seek to become smarter health care shoppers.

Title V does not empower the Federal Government to collect health care data; it would simply require HHS to provide consumer and purchaser groups with information they need to better understand health care expenditures.

A broad coalition of business, labor, medical, and senior groups have all endorsed title V of H.R. 5602. A letter I recently received from William Canis of Caterpillar Tractor Co. is particularly on target and I recommend it as a concise expression of why all Members of Congress should support title V of the Health Professions and Services Amendments of 1984:

> DEAR REP. AuCOIN: Later this week the House will take up H.R. 5602, the Health Professions and Services Amendments of 1984.
>
> Caterpillar Tractor Co. supports Title V of the legislation which gives businesses and consumers new tools to use in the effort to curb health costs. We urge your support for Title V during debate on the bill.
>
> Health care costs are an increasing concern to Caterpillar. Last year our health bill amounted to nearly $155 million. While the

CPI rose at 3.8% in 1983, Caterpillar's health care costs per covered employee jumped over 13%. At the same time, the recession reduced the number of covered employees by nearly 20%. So even with fewer employees, our health care costs skyrocketed. They are one of the most expensive fixed costs we carry and we are continuously searching for new ways to reduce them.

Presently, companies are limited in the information they can obtain about comparative health costs at hospitals and among doctors. Title V of HR 5602 grants the Secretary of Health and Human Services authority to give technical advice to businesses and consumers on how to collect health care costs data. It directs the HHS Secretary to study private sector data collection methods underway around the country, with an eye toward aiding groups in the techniques of data collection. Caterpillar, for example, would be able to learn, through the HHS technical study, about innovative cost containment means in other parts of the nation. It would then be up to us to work with doctors and hospitals, in communities where we have operations, to reduce those costs.

I want to point out that the legislation does not seek in any way to regulate health care costs or to require health care providers to disclose data to consumers. The bill simply would give the private sector more of the information it needs to do the job of cost containment itself.

When American business and individuals evaluate the purchase of a good or service in the open market, a great deal of information is available to comparison shop. That is not the case with regard to health care; too often, little or no information is available. Passage of H.R. 5602 would resolve this problem. We urge your support for Title V.

Sincerely,

WILLIAM F. CANIS,
Governmental Affairs.●

SYNTHETIC FUELS CORPORATION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. SIMON. Mr. Speaker, while we are all aware of the problems that the Synthetic Fuels Corporation has had with management and making progress in funding sound projects, we must continue to take care to separate our concerns for SFC's management from our concern which led us to fund this program originally: Taking positive steps to ensure our Nation's energy independence.

I commend my colleagues who supported the Ratchford amendment to H.R. 5973, the Interior appropriations bill, for their actions in scaling back the synfuels program without automatically removing from further considering a number of worthwhile and beneficial programs which have been proposed under the synfuels program, such as the COGA-1 plant in Virden, IL.

Current headlines continue to remind us of the instability and fragility of oil supplies from the Mideast. Although we have made strides in reducing our use of imported oil, primarily through conservation, we are still unacceptably dependent on foreign sources for the energy we use. We should not be letting up in our resolve to make broader uses of our domestic energy potential: coal, alcohol, and other alternative energy. A strong synthetic fuels program is vital for improving our independence, using our own vast resources, and putting thousands of Americans back to work.

We clearly need to reorganize the Synthetic Fuels Corporation, and I have cosponsored legislation which would do that, but we also clearly need to stand by our commitment to a strong, well-funded program to accomplish those goals. We must now move quickly to restore strong and effective management, direction and leadership in SFC, and to do that we need the leadership—and not just the words—of those who can encourage the President to reconstitute the board through sound appointments, getting this vital program back on track and projects beneficial to our energy needs underway.●

TEXAS HALL OF HONOR

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. PICKLE. Mr. Speaker, whether football or baseball is our national sport, the fact remains that the high school coaches in this country have a tremendous influence on the lives of the young men and women who participate in high school athletics.

And when a high school coach leads his young team to a statewide high school championship that is a moment of high acclaim and tremendous achievement. The students, faculty, players and parents of the players will remember those moments of achievement with pride, nostalgia, and affection.

One of the strongest football coaches I have ever known was my dear and close friend Stan Lambert.

Last week, Stan was inducted into the Texas High School Coaches Association's Hall of Honor. This is a fitting tribute to a strong-willed man who greatly affected the lives, morals, and ambitions of many young men in Texas.

Stan Lambert is truly one of the finer men of our times, and I salute him. Together with his wife Audrey they have meant much to our city, our church, and our State.

Mr. Speaker, I would also like to insert in the RECORD an article from the Austin American-Statesman that outlines better than I could this tremendous individual's achievements.

LAMBERT TO BE ENSHRINED TODAY

(By Lou Maysel)

Stan Lambert, who coached Austin High School to its only state football championship in the long history of the University Interscholastic League, will be enshrined in the Texas High School Coaches Association's Hall of Honor today in Houston.

Although the 74-year-old Lambert has health problems, he planned to attend the noon luncheon in the Astrohall where six other former Texas high school coaches, including current New Orleans Saints Coach Bum Phillips, will also be enshrined.

Lambert coached the Maroons during the 1936-1947 seasons and compiled a 100-23-5 record before moving up to coach for eight seasons at Lamar, which was going from a junior to a senior college. He returned to Austin in 1956 to enter the insurance business from which he retired in 1980.

His 1942 team won the state championship after losing an early season game to Temple but old-timers believe his 1939 and 1940 teams were just as good. The '39 team went undefeated but lost its quarterfinals game on penetrations and the '40 went unscored on except for a 14-12 loss to district champion San Antonio Breckenridge.

Austin, then the only high school in the city, had gone through an era of mediocrity when Lambert, a TCU journalism graduate, was elevated to head coach after one year as an assistant coach. He used his organizational skills to make the Maroons a power in a tough district. "We had the cooperation of the men upstairs—the superintendent and the principal. I didn't have anybody against me," Lambert remembered.

"He was very innovative. He was 15 years ahead of his time," said Jimmy Banks, all-state tackle on the '42 state championship and now public relations director for the Texas Railroad Association.

Among the innovations Lambert using before most high school and some college coaches were two-platoon football, blitzing linebackers, game films and communication with coaches in the pressbox via walkie-talkie radio where telephone lines were unavailable. He borrowed the walkie-talkies from the commanding officer at Bergstrom Field, as it was known then, and used Texas football players to help coach techniques in spring training until the UIL declared that illegal.

His single wing offense was very productive in an era when scores were generally low but he also emphasized defense and the kicking game. His Austin teams scored 2,974 points in 12 seasons to 742 for the opponents.

One of his most memorable psychological ploys involved the state semifinal game his '42 Maroons won from Breckenridge. Wartime travel restrictions allowed him only one bus on which he took his first two teams but the rest of the varsity squad managed to make the 215-mile trip in cars. However, the band and pep squad stayed home but assembled at House Park to hear the game on radio and perform all the customary rituals. During the time his band played "Loyal Forever," the team faced toward Austin. The Maroons won, 28-7, and went on to beat Dallas Sunset in Memorial Stadium, 20-7, for the title.

Not all of Lambert's ideals bore fruit. He once tried feeding his team a pregame meal of K rations, figuring that if they were good enough for soldiers in combat, they would be ideal for his players. "It didn't go over.

After I sampled them myself, I understood why," Lambert once recounted.●

NEW YORK'S FOURTH CONGRESSIONAL DISTRICT MAKES VIEWS KNOWN IN ANNUAL QUESTIONNAIRE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. LENT. Mr. Speaker, every year for the past 14 years, I have asked my constituents of New York's Fourth Congressional District, Nassau County, Long Island, to inform me of their opinions on important issues before Congress. They are asked to complete a questionnaire mailed to their homes and respond with their views on a variety of issues of national concern, ranging from the economy to defense and the environment.

This year, the response was overwhelming. Over 18,000 constituents participated. This strong response reconfirms my conviction that the residents of our Fourth Congressional District share a high sense of civic responsibility. I know of no other area in our great Nation where citizens are so actively involved in governmental affairs and take such a strong and active interest in Federal issues.

The responses to the questionnaire indicate a widely shared opinion in our district on a number of issues. I'd like now to take the opportunity to share these results with my distinguished colleagues.

To help reduce the Federal deficit, a large majority—92.5 percent—favor a reduction in Federal spending over an increase in Federal income taxes, supported only by 22.5 percent. Over two-thirds of the respondents—64.3 percent—believe the President should be given the power of line-item veto in appropriations bills to help control Federal spending. Even larger majorities support a Federal commission to study and recommend solutions to medicare's problems—81.9 percent; favor stronger action to control acid rain pollution—83.5 percent; favor a tougher, expanded Superfund program to deal with the cleanup of hazardous waste sites—92.5 percent; support U.S. withdrawal from the United Nations' UNESCO programs—84.7 percent; support a new U.S. effort to resume nuclear arms reduction talks with the Soviet Union—83.2 percent. The respondents also strongly favor a 21-year-old national minimum drinking age limit by 85.2 percent. The only issue on which there was sharp division was on the question of reduction of American troops in Europe, which was endorsed by 54.6 percent, but opposed by 41.5 percent of the respondents.

More than two-thirds of the respondents also registered their opinions on the most serious problem affecting our Nation. This further explanation of my constituents' views will be a great help to me in dealing with many of the vital issues now before Congress.

I am personally gratified by the large number of people who took the time and effort to answer the questionnaire and make known their opinions on the serious problems we must consider in the days ahead.

My constituents are an outstanding example of concerned citizens participating and working with their elected Representatives to help make a more participative democracy.

These citizens have provided me with a valuable insight to their opinions on national issues. I hope by sharing this information that my colleagues in Congress will gain a better understanding and appreciation for the views of my Long Island constituency.●

CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984

HON. TOM VANDERGRIFF

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. VANDERGRIFF. Mr. Speaker, I rise in strong support of the conference agreement to H.R. 4325, the Child Support Enforcement Amendments of 1984. While there are certain provisions contained in the House version I find more acceptable, I believe this document represents a good example of what a true compromise should be.

Specifically, however, I would like to praise the conferees for adopting report language that is identical in intent to legislation I introduced earlier this year. The report reads as follows:

> In view of the broad interpretation which was clearly intended by the framers of this provision, the conferees believe that there is no merit in the argument that has been raised in at least one State that an individual is immune to wage withholding for the enforcement of child support obligations on the grounds that the private company for which he is working is operating on Federal land.

By way of background, voters in Texas overwhelmingly expressed their support for a change in State law which would permit the garnishment of wages for delinquent child support payments. One large company in Fort Worth, TX, General Dynamics, refused to comply with the State law on the grounds that the company was located in a Federal enclave. According to official company statements, General Dynamics was not necessary opposed to the State law, but was instead concerned that an employee might sue if they did indeed withhold wages. A lower court held that General Dynamics was not exempt from State law, but General Dynamics indicated it would appeal the decision. The conference report language makes clear congressional intent that the findings of the decision are correct. The language will negate the necessity for the taxpayers of my home county to shoulder the expense of defending the decision in a court of appeals. Then, too, General Dynamics will also be spared the cost of an appeal and its fears of an employee suit will be removed.

Again, I thank all the conferees for their cooperation with my office and their responsiveness to our concerns. I urge my colleagues to support the adoption of the conference agreement, and I hope the President will quickly sign this measure into law.

Thank you.●

RADWASTE IN OUR OCEANS IS NO JOKE: TELL NACOA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. MARKEY. Mr. Speaker, I wish to alert the Congress to an ominous reversal of our policy on the disposal of low-level radioactive waste [LLW]. On June 30, 1984, the National Advisory Committee on Oceans and the Atmosphere [NACOA] issued a report recommending that the United States end a 14-year moratorium on ocean disposal of radioactive materials. The NACOA report itself characterizes this recommendation as a revision in U.S. policy.

Why has there been a moratorium on ocean dumping of radioactive waste? Why should that moratorium be ended now?

During the 1950's and early 1960's, far less was known about radioactive substances than is known today. It was believed that, because there were only small amounts of these substances, they would have no significant or detectable effect on the environment. The effects of the radiation itself on living organisms was not understood at all. No one predicted that fish and shellfish could build up concentrations of certain radioactive elements, a phenomenon now known as "biological concentration." Biological concentration was not recognized as occurring until 1962.

Virtually nothing was known before 1970 about the carcinogenicity of ionizing radiation. The systematic studies of John Gofmann, Rosalie Bertell, and their coworkers showing that there was no level of radiation to which a living cell could safely be exposed were not published until the late 1960's. Ra-

dioactive materials were simply not recognized as being powerful oncogens.

Thus, ocean dumping seemed like a reasonable method of disposal of relatively small amounts of material which appeared to be chemically not very reactive. Before the United States stopped ocean dumping in 1970, about 300,000 curies of LLW had been put in the ocean, either by direct dumping or by the flow of the cooling water from the Hanford reactors into the Columbia River and thence into the Pacific Ocean.

However, as more was learned about radioactivity, and the biochemical behavior of radioactive materials, the practice of ocean dumping became more and more questionable. Biological concentration of cobalt-60 from the Bikini Atoll H-bomb was discovered in Pacific clams 5 years after the bomb was exploded. Strontium-90 from atmospheric nuclear explosions was found in milk in Poughkeepsie. And in 1967, workers on the Hanford Reservation were found to have considerably higher incidence of certain cancers than the general population.

Radiation and radioactive substances were finally recognized as being able to produce cancers, and as being widely dispersed in the environment. All of these discoveries made us realize that disposal of radioactive material must be handled very, very carefully.

The moratorium was imposed when scientists recognized the fact that radioactive materials in the ocean simply dissolved in sea water and were thus dispersed throughout the marine food chain. Radionuclides could be taken up and concentrated by marine organisms during the normal course of metabolic activity. This process had the potential of completely contaminating the world's oceans and ruining every marine fishery and shellfishing operation in the world.

Those nations which still practice ocean disposal of radioactive waste are taking a calculated gamble: that the radioactive material in question will decay before it diffuses into the marine food chain.

It is worth noting that Great Britain discontinued ocean disposal of radioactive waste last year, having apparently decided that the gamble was too risky. British waste dumped into the North Sea and the Atlantic had amounted to about 240,000 curies per year. The U.S. Navy has also rejected the proposal to emplace old nuclear submarine core shells in the deep ocean because of this very gamble.

What reasons does NACOA give for lifting the moratorium and reinstituting ocean disposal of radwaste? First and foremost, there is the old chestnut that the ocean already contains large amounts of natural radioactivity and the amount added by ocean dumping of waste will be an insignificant increment.

Then the claim is made that ocean dumping involves less human exposure to radioactive materials than land disposal, presumably because the material cannot be dug up in the future. Certainly just as much human exposure is involved in emplacing material in a deep ocean site: The waste must be handled, packaged, transported to a shipping site, unloaded from trucks and rail cars and loaded onto ships, repackaged, transported by ship to the site, and unloaded. Does it really make a difference, therefore, if the final unloading is into a land burial site or into the ocean?

The third reason given by NACOA is even less plausible: That the possibility of radioactive contamination of the human food chain will be minimized. NACOA is apparently unaware, or has forgotten, that radioactive material dumped in the Pacific off the Farallon Islands of California in the late 1950's is now readily detected in bottomfish caught in that area. NACOA is apparently willing to ignore a report issued last year by the Oceanic Society of America which discusses the probability of contamination from accidents which can occur on the way to a deep ocean dumpsite. It is clear that NACOA is now willing to take the gamble, which the United States rejected 14 years ago, without having reconciled the basic conclusions which led to the original suspension.

The final reason given for lifting the moratorium is positively bizarre: That ocean dumping is less politically controversial than land disposal of radwaste, in NACOA's words, "* * * given the present concern of many communities about dumpsites in their areas * * *."

Isn't NACOA a prestigious scientific advisory committee? Isn't NACOA's advice supposed to be independent of political considerations? To whom is NACOA serving as political adviser in this instance?

One senses in NACOA's last statement a belittling of citizens' very real concerns about public health and the health of future generations. Perhaps NACOA shares former EPA Administrator Anne Burford's view of itself and its duties as a "nothingburger." Perhaps it is trying to live up to this epithet by demonstrating a frivolous attitude toward a very important question. In the light of current scientific opinion, our increasing dependence on the oceans as a food source, environmental safety, human health, the future of our children, and just plain common sense, this NACOA recommendation is truly a joke.●

AMERICAN DENTAL ASSOCIATION MARKS 125TH ANNIVERSARY

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. STANGELAND. Mr. Speaker, our easy definition of politics these days in terms of "special interests" too often obscures the dedication of those who serve the public.

The American Dental Association, the world's largest and foremost organization of dentists, celebrates its 125th anniversary this year, with the appropriate ceremony befiting a vigorous profession.

We in Congress can join in extending birthday greetings to an honored profession, and I trust the Members of this body will join me in doing so. But I should like to go beyond the mere extension of birthday greetings to note that the purpose of this association, its reason for being if you will, and I quote from the ADA constitution and bylaws, is "to encourage the improvement of the health of the public and to promote the art and science of dentistry."

This is an organization that takes pride in 125 years of continuous service to the public and the dental profession and cites among its greatest accomplishments those that improve dental health.

The ADA for 125 years has dedicated its resources and talents to the scientific advancement of oral health care through ongoing research.

The Nation's dental schools are all accredited by the American Dental Association, and no other country in the world enjoys a level of excellence in dental education as does the United States.

The ADA has steadfastly worked to promote access to dental care for millions of Americans who because of expense and other limitations would have had to forgo dental services. The ADA, through its many public education programs, has increased the nation's awareness of dental health and the importance of preventive dental care.

Mr. Speaker, the current President of the American Dental Association, Dr. Donald E. Bentley of Hawley, MI, is from my district. The 1984 theme during Dr. Bentley's tenure as President has been "Celebrating Traditional Excellence." Certainly the ADA has accomplished this in a most commendable way.

It is refreshing in the era of special interest politics to find an organization like the ADA that puts first, as its greatest accomplishments, its services to the public.

The 98th Congress can offer its congratulations and best wishes to the American Dental Association for its many contributions to the health of the Nation upon the occasion of the 125th anniversary of the association's founding.●

THE 125TH ANNIVERSARY OF THE BOROUGH OF EMMAUS, PA

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. RITTER. Mr. Speaker, I would like to formally recognize the people and the Borough of Emmaus as the 125th anniversary celebration of its incorporation as a borough approaches. I applaud the citizens of Emmaus for their hard work, dedication to their families, and their community spirit. People who hail from Emmaus speak of their town with warmth and affection.

Today, in observance of Emmaus' 125th anniversary, I would like to share with my colleagues and the American people some historical background about the Borough of Emmaus. Having once lived in Emmaus, I experienced a wholesome quality of life and can remember the residents' great sense of pride in their town and its interesting history.

The little village, once called Salzburg, was given its present name of Emmaus by Bishop Spangenberg of the Moravian Church during celebration of the Love Feast on April 3, 1761. The American Revolution brought new tribulations and a great deal of hardship to the residents of Emmaus. The Moravians who refused to fight in the American Revolution were harassed, fined, and even imprisoned. During this time of persecution, the Moravian community survived these adversities by standing together.

The congregational village grew very slowly because the young people decided to leave rather than endure its austere religious life. In 1829, Moravian Church roles numbered only 131, but as the decade passed, the city of Emmaus opened its once closed village as the church council began to sell land to non-Moravians. This sale of land to non-Moravians signaled religious moderation by the Moravian settlers. One of the largest churches to organize in the town was the United Evangelical Church, which was the forerunner of a great number of churches found in the borough today.

During the last half of the 19th century, railroad builders reached Emmaus, and the first train passed through the village in the spring of 1859. This same year, Emmaus organized into a borough, and the first local officials were elected on October 31.

Emmaus' industry has been varied. Iron ore was mined in the area after 1850, and founderies have been active in Emmaus from 1869 to the present. From 1882 until recent times, silk manufacturing was also a major industry in the borough.

The borough continued to flourish throughout the 19th century and by 1903 had a population of 1,468. Today the borough boasts a population of almost 12,000.

In recent years, Emmaus' citizens and their government have shown much concern for the well-being of the community. The East Penn School District is one of the finest school districts in the State of Pennsylvania and its faculty, students and parents must be recognized for their outstanding achievements. Such projects as the Emmaus Community Center, the Emmaus Youth Association programs, and the Emmaus Community Park are fine examples of this commitment. The people of Emmaus have demonstrated their pride in their community which dates back two and a quarter centuries. I congratulate them on this the 125th anniversary of Emmaus' incorporation as a borough.●

THE FAMILY OF SIMON LEVIN

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. SIMON. Mr. Speaker, I am making this appeal on the floor of the House in behalf of the wife and son of Simon Levin.

In 1978, he immigrated to the United States with the understanding that under the Helsinki agreement which the Soviet Union signed and the United States signed, his family would be able to join him.

Unfortunately, that has not been the case. He has never seen his young son.

The unnecessary pain that this has caused this one family should be resolved by the Soviet Union and the United States as quickly as possible.

I urge the Soviet officials who want to see some humanitarian gestures of friendship between our countries to do what they can to see that this family is reunited, and I urge American officials who meet with the Soviet Union to bring up the case of Simon Levin and his family.●

RETIREMENT OF JOHN C. HOFFMAN

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. MOAKLEY. Mr. Speaker, I rise to offer my best wishes to Mr. John C. Hoffman, who is retiring as the principal of the Capitol Page School after 16 years of outstanding service there. As my colleagues know, John is a hard working and gifted educator, and his 36 years as a teacher in the District of Columbia, are a testament to his dedication.

John's background is full of many accomplishments and commendations. He received his bachelor of science degree from George Washington University and a master degree in guidance and personnel from the University of Maryland, before he joined the D.C. public schools in 1948. He has many times been recognized by his profession for his educational leadership. In addition, he has chaired many committees dealing with the mentally retarded, emotionally disturbed and exceptionally gifted students. He has been a frequent lecturer on the subjects of special programs and in the field of juvenile delinquency. In fact, he was honored with life membership in the National Congress of Parents and Teachers and by the D.C. Bar Association for a booklet which explained criminal law to juveniles.

In addition to John's very gifted background in academics, he has also been very active in athletic programs for youth. As a coach of baseball, football, and basketball, his teams have captured 33 titles. In 1973, his 15-year-old Prince Georges County baseball team won the World Series of Babe Ruth Baseball held at Manchester, NH. In addition to his coaching and managing skills, John has also umpired in college, high school and semi-pro baseball leagues, and was for several years the umpire at the annual Democratic-Republican charity game.

For all his service for athletics he has been awarded the Governor of Maryland's Distinguished Citizenship Award for his outstanding contributions to the instruction, guidance and training of youth. He has also been awarded a life membership of the Prince Georges County Boys and Girls Clubs Board of Directors for 25 years of service. Perhaps most telling of his accomplishments was the testimonial that was given for him and attended by over 300 of his former athletes.

As the principal of the Capitol Page School John received commendations from Presidents Nixon, Ford, Carter and Reagan, and Speakers McCormack, Albert, and O'NEILL. But perhaps his greatest praise has been from

his many students and athletes who have admired his dedication to them, and who will miss him greatly in the future. I wish him a happy and healthy retirement.●

THE 60 YEARS OF SERVICE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. STARK. Mr. Speaker, on August 5, 1984, the Livermore Lions Club will celebrate its 60th anniversary. This organization's community contributions are exemplary and I join in congratulating the Livermore Lions on 60 years of successful service.

The Tri-Valley Herald hailed the Lion's birthday in a recent article which reads in part:

The club was organized in the early part of 1924 and chartered with 41 members on September 19, 1924.

First president Charles A. Snith, manager of the Bank of Italy, now the Bank of America, was instrumental in bringing Lionism to Livermore from his former Oakland chapter, the first such club in this district.

The group has always met at noon Thursday, though the location is now the Livermore Rancher, not Croces restaurant on First Street.

The city's first service group sponsored two parks: R. A. Rassie Hansen and Dr. Paul E. Dolan, and has always volunteered a day or two per year toward their maintenance.

It built a swimming pool at the old Del Valle Sanitorium, contributed $5,000 to the establishment of Valley Memorial Hospital, selected an annual "Wine Queen" and presented a dedication plaque to Chabot College, Valley Campus.

The group still sponsors the master showmen awards for 4-H and Future Farmers of America participants in the Alameda County Fair in Pleasanton, hosts student speakers at local high schools, gives high school scholarships, supports eye care for needy children, contributes to blind centers in Oakland and Pittsburg and to local and national charters, has worked on the annual Livermore Air Show and provides food for local projects.

The club was instrumental in sponsoring the Pleasanton Chapter in 1930 and later, the Dublin-San Ramon club.

The group is currently headed by Mike Troiano, president; Darryl Hansen, first vice president, Mike Myers, second vice president; Jim Whent, third vice president, Tom Evans, treasurer, Al Funk, secretary, Don Barkley, Lions tamer, Joe DaCosta, tail twister; and directors, Perry Harabadian, Carlo Rossi, Don Cornell, Dexter Frye and Tim Weaver.

I salute the Livermore Lions' accomplishments and extend best wishes for another 60 years of dedicated service.●

TRIBUTE TO ZION BAPTIST CHURCH IN HILLTOP, MD.

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. DYSON. Mr. Speaker, I rise today to pay tribute to the parish of the Zion Baptist Church, in Hilltop, Charles County, MD. The members of this church will join together to celebrate their 100th anniversary this fall.

Zion was organized in 1884 under the guidance of Reverend Nelson, as an outgrowth of its mother church, the Mount Hope Baptist Church. In 1902, under the leadership of Rev. R.B. Ward, the first church building was constructed and was known as the Little Zion Baptist Church. Its membership came from near and far to hear the word preached by Rev. J.P. Mitchell, as he served the church for 15 years in faith and love.

Through the dedicated administration of Rev. E.T. Broadus, who succeeded Reverend Mitchell, many persons were converted and joined the little church. After 21 years of inspiration, Reverend Broadus retired and turned the leadership of the church over to Rev. G.W. Richardson.

Reverend Richardson served faithfully for 16 years and during this time a new building was started. With his officers: Deacon Harrison Ross, Harry Warren, John Ross, Robert M. Dent, John Washington, Samuel Warren, Roland Garner, Yelly Warren, James Lee, Henry Riley, and Otten Swann the work on the building progressed. The officers and members continued their efforts even after Reverend Richardson resigned, and their sacrifices, donations and labors were finally rewarded in 1956 when the church was completed. At this time a young minister, competent and energetic, the Reverend Earl Mathis answered the call for a pastor of Zion Baptist Church, and served admirably for 2 years.

The little church searched for a leader with concern and prayer. Their prayers were answered as the Reverend Willis S. Wall accepted the call to Zion. Under his leadership, the church had a rebirth and much was accomplished in the glory of God. A Gospel chorus was formed and hymns were sung to the music provided by a lovely new organ; worshipping parishoners welcomed the new pews and pulpit, and the communion table that was added. Numerous additions included carpeting, office equipment, an annex to accommodate the various church functions that continued to grow in size and spirit. As the word was preached and reached out to more and more, the small church grew and took on a new appearance both inside and outside. Reverend Wall celebrates his 25th anniversary as pastor of Zion Baptist Church in 1984. He deserves a great commendation for his dedication and service to God and man.

Today, many members of Zion Baptist Church are direct descendants of the original founders. Each week they continue to join together to share the spiritual fulfillment and love of God in the church that has been the fruit of their labors, and I am proud to share this moment in history with the members of Zion Baptist Church on their 100th anniversary.●

SCHOOL PRAYER WINDFALLS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. EDWARDS of California. Mr. Speaker, an editorial in the New York Times of August 1, 1984, points out that "Enforced worship in the classroom, even if silent, involves the state in religion every bit as much as oral devotion led by the teacher."

I commend the editorial, printed below, to the attention of my colleagues.

SCHOOL PRAYER WINDFALLS

Election-year posturing about "tradition and family values" turns out to be a windfall for the religious right on the issue of school prayer. With the Democrats on the defensive, the House has gone along with bills authorizing prayer in schools under certain conditions. No one seems to care that the measures violate America's noblest traditions and deepest family values.

Only last week the House voted overwhelmingly for a Senate-passed bill to grant religious groups of students the same extracurricular access to public schools now enjoyed by other activities. But that passed only because it appeared to confer similar rights on any student group: atheists, cultists, political partisans. Whether it will favor religion or turn out to be evenhanded, this "access" legislation is an atrocity, an unprecedented Federal intrusion into local school affairs.

Instead of satisfying the prayer lobby, this radical bill only whetted its appetite. It quickly persuaded the House to declare that schools may not deny "individuals in public schools the opportunity to participate in moments of silent prayer."

Some legislators apparently thought this was an innocuous measure. Don't all Americans, law or no law, have the right to pause wherever they are, close their eyes and pray? Sure. But this new bill would secure the right of *groups* of students, and even of their teachers, to *organize* silent prayer sessions during school hours, and even to require all students to participate.

Enforced worship in the classroom, even if silent, involves the state in religion every bit as much as oral devotion led by the teacher. It's a clear violation of the Constitution's command that government remain neutral on matters of conscience. Far from threatening tradition and family, that command flows from profoundly held American values: the community basis of education, the wholesome separation of church and

state and the home-based, private character of religious belief and practice.

Once again a Senate minority, which beat back a constitutional amendment for vocal school prayer in the spring, will have to resist this pious tampering with religious liberty. The Supreme Court would never outlaw silent, voluntary prayer by Americans of any age. But it wisely insists that religion is too personal ever to be the business of government. That message ought to transcend politics, even in an election year.●

THE DEATH OF COL. LEON UNGLES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. SKELTON. Mr. Speaker, recently, former superintendent of Wentworth Military Academy, Col. Leon Ungles, passed away. His career at this fine Missouri school covered many years during which he served as coach, dean, executive officer, and superintendent. He touched the lives of many young people, and will be well remembered by all who knew him. He was a truly outstanding person, and I express sympathy to his wife, Lou Ungles.●

IN PURSUIT OF EXCELLENCE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. DYMALLY. Mr. Speaker, I would like to express my respect and congratulations to Brig. Gen. Gary Cooper for his outstanding efforts and dedication to the Marine Corps, his country, and to his fellow citizens.

General Cooper, now 48 years old, has a long history of success. After graduating from Notre Dame University with a B.A. in finance in 1958, Mr. Cooper pursued a career in the military becoming the first black officer in the Marine Corps to lead an infantry company into combat. General Cooper's heroic and patriotic efforts did not go by unnoticed as he was awarded the Bronze Star Medal, two Purple Hearts, and the Vietnam Cross of Gallantry three times. Following his retirement from active duty in 1969, General Cooper went on to serve in a leadership capacity within the Reserves with which he is still proudly affiliated.

In addition to an impeccable military career, General Cooper has contributed greatly to his fellow human beings through indefatigable public service efforts. He is a member of the American Public Welfare Association, the National Association of Social Work, the President's Advisory Committee for the Alabama Chamber of Commerce, the Board of Spring Hill College in Mobile and Talladega College in Talladega, and as a board member of the Dearborn Street YMCA. Finally, General Cooper had the honor of being elected to the Alabama House of Representatives in 1974 and 1978.

General Cooper has been awarded for his relentless efforts in the sphere of public service. In 1971, he was as Outstanding Young Man of the United States. In 1974, he was recognized as Omega Psi Phi Fraternity's Citizen of the Year. In 1977, he was named Man of the Year by the Nonpartisan Voters League. Recently, General Cooper was awarded the highest honor given by the Secretary of the Navy for public service—an award that he has won twice.

As one can see by the background and achievements of Gen. Gary Cooper, he has done a great deal to make his city, State, country, and world a better place. I am quite confident that those who either read this entry or meet General Cooper in person, will realize that the man is an excellent human being and a fine model to follow.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, I rise today as I did last year, to add my voice to the "Congressional Call to Conscience Vigil for Soviet Jews." I am participating in this vigil to continue to focus attention on the tragic plight of nearly 500,000 Soviet Jews who have been refused the right to emigrate from the Soviet Union.

One of these refuseniks is Josef Begun, a Soviet Jewish activist charged and sentenced earlier this year to a forced-labor camp for attempting to teach Hebrew. When Mr. Begun's case was first brought to my attention by children attending the school at Congregation Mishkan Israel in Hamden, CT, I pledged to work in any way possible on Mr. Begun's behalf. I adopted Mr. Begun as part of the 98th class for Soviet Jewry's adoption program and have since written numerous letters to the Soviet Government protesting his treatment and asking that he be granted an exit visa.

On August 1, 1984, I learned that Mr. Begun had been placed in the camp's hospital at the Perm Camp Complex in the Ural Mountains, where winter temperatures sink to 45° below zero. Camp authorities have provided no explanation why this latest action was taken and his family has been refused permission to see him.

Josef Begun is only one of hundreds of thousands of Soviet Jews who are in similarly desperate situations and who need our help. I urge my colleagues to join me in showing their commitment to the human rights of Soviet Jews by joining this year's "Congressional Call to Conscience Vigil." We must continue to express our concern for Soviet Jews and the oppression under which they are forced to live.●

TRIBUTE TO CARL D. PERKINS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. LELAND. Mr. Speaker, it was with great sadness that I learned of the death of one of this body's most distinguished members, CARL D. PERKINS, of Kentucky.

As one of his colleagues and as chairman of the House Select Committee on Hunger, I would like to point out that CARL PERKINS did more than almost anyone in this country's history to assure that its children were fed.

He understood what the child nutrition programs meant to hungry children. He guarded the programs zealously and was stubborn in his efforts to maintain their integrity, because he knew that nutrition was vital to the health and learning capacity of the young of this Nation. CARL PERKINS knew that for many poor children, school lunch was their only decent meal of the day.

Because he was aware that school lunches could not meet all the nutritional requirements of all needy children, CARL PERKINS used his chairmanship of the House Committee on Education and Labor to establish other feeding programs that complemented the school lunch program.

School breakfast was a special favorite of his. It was important to CARL PERKINS because he was concerned about the farm children in his congressional district who had long bus rides to school, often after doing early morning chores. He also knew the impact of a good breakfast on the learning capacity of innercity children who would need energy and educational skills to push their way out of the ghetto.

Another program developed under CARL PERKINS' aegis is the child care food program, which provides meals for children of working mothers. These meals meet proper nutritional standards in day care centers and family day care homes so that working mothers don't need to worry about the quality of their children's meals away from home.

The Special Supplemental Food Program for Women, Infants and Children [WIC] grew under his leadership to provide more food to nutritionally vulnerable pregnant women, infants, and children. Each day we are learning more from science about the benefits of this program which he instinctively knew to be good.

Whatever the program, CARL PERKINS cared about and fought for valid nutritional standards. The number of child nutrition programs didn't bother him; he was more concerned about meeting the multiplicity of needs in our complex society.

CARL PERKINS' fitting memorial is the assurance in law that the children of poverty and the children of minorities do not grow up hungry, but rather that they have the opportunity to grow and learn in good health. For that, this Nation will always be grateful.

Mr. Speaker, on August 3, the Nation suffered a great loss. Other Members of Congress and I will miss this outstanding humanitarian. Let us vow today to continue the struggle for the nutritional causes that CARL PERKINS championed so valiantly.●

TRIBUTE TO WILLIAM HARRY SPENCER

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. HARRISON. Mr. Speaker, on Friday, July 20, 1984, the community of Avoca, PA, paid tribute to William Harry Spencer for his many years of service, specifically to the community fire department.

Mr. Spencer joined the fire department in September 1942 and was elected the Department Chief in January, 1971. His duties included the general maintenance of the fire house and the dispatching of all emergency telephone calls in Avoca Borough. His unselfish dedication to the community was evident to all but mostly to the youth of Avoca. Harry was mentor to many young people who came under his watchful guidance.

Mr. Spencer was born on August 13, 1909. He and his late wife, Agnes Carroll, are the parents of three children. Mr. Spencer has also been blessed with 12 grandchildren and 2 great-grandchildren.

Mr. Speaker, it is a genuine pleasure for me to join with the citizens of Avoca, PA, and with our entire community in paying tribute to William Harry Spencer for his many years of community service. We all continue to wish him the best of luck and much future success in all of his endeavors.●

AN OLYMPIC FIRST

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. McKERNAN. Mr. Speaker, I'd like to join my colleagues in saluting the outstanding performance of Joan Benoit in winning the first ever Women's Marathon at the games of the 23rd Olympiad yesterday in Los Angeles, CA.

A resident of Freeport, ME, and a graduate of Bowdoin College, both in Maine's First District which I represent, Joan's achievement will stand in Olympic history as a monument to her skill and dedication, and as an inspiration to women and men in athletic competition in the United States and around the globe. In winning the gold medal in the Women's Marathon, Joan not only achieved a world class Olympic "first," but also served notice that women can compete successfully in all levels—and types—of athletics.

Joan, herself, labeled her victory a "minor miracle," in light of knee surgery she had just last April. Her triumph is, thus, a testament to her courage and resourcefulness, her willingness to overcome setbacks, more determined than ever to perform to the best of her ability. That, more than her victory yesterday, demonstrates to me that Joan truly has the "Olympic spirit."

I ask my colleague to join me in congratulating Joan Benoit on her performance. She is an amazing athlete and an outstanding representative of her Nation and our State of Maine.●

MOVE AHEAD ON SUPERFUND

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. FLORIO. Mr. Speaker, this Thursday our colleagues will have an opportunity to reauthorize and substantially strengthen the Superfund Program to clean up the worst abandoned hazardous waste sites in our country.

Since last November, many of us in this Congress have labored to develop and strengthen the current Superfund Program when it expires next year. We have held extensive hearings at the subcommittee and committee levels and I believe the product of our work, H.R. 5640, reflects very appropriately the concern of the American public for the welfare of their families and their communities.

Our bill seeks to expand the Superfund Program for another 5 years at a higher funding level of $10.1 billion—up from the current $1.6 billion. It also provides for limited emergency relief provisions to assist victims of exposure to hazardous materials and it establishes a stingent mandatory cleanup schedule for EPA to follow for cleaning up the most toxic of these sites.

Mr. Speaker, there are over 17,000 known abandoned toxic waste sites in America—some say that number may be as high as 22,000—and these sites threaten our lives, the lives of our children and our children's children. If we are to pass a stronger Superfund Program and answer these threats to our wellbeing, then we must move ahead on Superfund this year. The Philadelphia Inquirer in an August 5 editorial urged Congress to do just that—move ahead. Mr. Speaker, I commend the article to the attention of our colleagues.

[From the Philadelphia Inquirer, Aug. 5, 1984]

MOVE AHEAD ON SUPERFUND

"It's awfully hard to vote against this, commented an observer in the House Ways and Means Committee the other day, referring to the 27-5 vote to reauthorize and greatly expand funding for the Superfund hazardous waste cleanup law. "There isn't a congressional district in the nation that doesn't have a dump.

That's what makes it a strong political issue. But the Superfund reauthorization is much more than that. "This is not a problem of economics; it's not simply a problem of our environment. It is a problem of health," said Rep. Thomas J. Downey (D., N.Y.), urging his colleagues to extend the bill and tax chemical and petroleum companies $9 billion over the next five years to clean up the thousands of abandoned waste sites.

Republicans argue that the Democrats are making this a campaign issue. President Reagan, who says he supports reauthorization, wants to postpone a vote until next year, when the fund expires. Democrats are wary of his support without campaign and are pushing ahead.

Their strategy is correct. A delay only holds out the promise of weaker, not stronger, legislation.

The full House is expected to consider the bill this week. Then the reauthorization will be taken up by the Republican-controlled Senate where it may have a more difficult time. A real boost to passage this session would be an overwhelming bipartisan endorsement in the House.●

REMEMBERING RALPH BUNCHE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. ADDABBO. Mr. Speaker, tomorrow marks the anniversary of the 80th birthday of one of America's greatest diplomats, a statesman who stood for world peace, Ralph Bunche.

Throughout his life, Ralph worked to achieve peace in the world. Whether it was peace at home through civil

rights laws, or peace abroad, as he delivered when he worked out the "Four Armistice Agreements" between Israel and Egypt in 1950, Ralph's life was dedicated to nothing less than breaking down barriers and establishing an understanding between peoples.

He fought hard to reach these agreements. He engaged the skills he mastered in every capacity he served, as a political scientists, as an educator, as a Government official, as unofficial.

There is a reason Ralph Bunche was the first black American to receive the Nobel Peace Prize. Because he worked harder for world peace, not just peace for some, but world peace, peace for all men black and white, American and Soviet, Arab and Israeli. And the world recognized his achievements in the United Nations, not only when he was chosen to the distinguished position of Under Secretary General but when he was designing the charter for a United Nations with other great world leaders.

Mr. Speaker, as my friends from the Queens Historical Society mark Ralph's life achievements on his 80th birthday, I call the attention of my colleagues to this great man's focus in life—peace. I will always remember him as a good friend and loyal constituent, but most of all, as a spokesman for world peace.●

LEGISLATION TO REDUCE THE TARIFF ON POLARIZING MATERIAL

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. SEIBERLING. Mr. Speaker, I am today introducing legislation to reduce the tariff on imported polarizing material from the current rate of 15.6 percent to 5.6 percent.

Under current tariff schedules the tariff on polarizing material, a key component in the production of liquid crystal displays, is 15.6 percent, while the duty on finished liquid crystal displays is 5.6 percent. The vast majority of polarizing material used by U.S. liquid crystal display manufacturers is imported from the Far East. As a consequence, it is difficult for U.S. producers of liquid crystal displays to compete with foreign manufacturers, who benefit from the low tariff on the finished product in comparison to the high tariff on the polarizing material. My bill will reduce the tariff on polarizing material to the same level as the tariff on finished liquid crystal displays, making American products more competitive. The bill will eliminate the tariff on polarizing material from least developed countries.●

IN TRIBUTE TO DONALD D. BLEWETT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. MATSUI. Mr. Speaker, one of my most respected and civic-minded constituents, Donald D. Blewett, a faithful public servant to the State of California and longtime appointee to the California Unemployment Insurance Appeals Board, has announced his retirement.

Don Blewett was first appointed to the unemployment insurance appeals board by Gov. Ronald Reagan on September 12, 1968, and now 16 years and three administrations later, he is stepping down from his position on the board. His 16 years of public service, 8 in which he was the acting chairman, brings Don the distinction of being the longest serving member of the unemployment insurance appeals board.

Mr. Speaker, Don Blewett's public service record does not end with his role on the appeals board. He has been an active member of the Teamsters Union for the past 30 years, filling such union roles as secretary-treasurer of local 190 and as the acting research director of the Western Conference of Teamsters. Don is also a member of the Masonic Order of Billings, MT, an affiliation that evolved from his days working for the Intermountain Transportation Co. and for Safeway Stores in Montana. His expertise and devotion to his job will be sorely missed by both his colleagues and by the people of California.

Mr. Speaker, on behalf of the people of Sacramento, I extend my thanks and best wishes to Donald D. Blewett. We can rest assured that his retirement years will be as creative and fulfilling as those he has devoted to public service.●

OLYMPIC CHAMPION CATHY BOSWELL

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. O'BRIEN. Mr. Speaker, I rise today in praise of Joliet, IL, native Cathy Boswell, all-around scholar and athlete who is helping lead the United States to victory in women's basketball competition in the XXXIII Olympiad in Los Angeles.

To Cathy Boswell, Olympic competition has always been a goal. Growing up in Joliet, daughter of Mr. and Mrs. Hank Boswell, Cathy has dreamed of becoming an Olympian since her early teenage years.

Graduating from Joliet High School's West Campus at age 16, Cathy became widely known for her athletic and academic prowess. As a sophomore in 1978, she was a member of the Tigers' State champion girls' basketball team. The next year, she was named to attend Girls' State. All the while, according to her principal, Leroy Leslie, she continued to hold a strong A grade average.

She entered Illinois State University in Bloomington in 1979, where she played 4 years on the girls' basketball team. In this past year, she has played in Europe in an international league, in preparation for the Olympics.

Says her father, "All the attention she's getting—signing autographs and all—is probably more impressive to us than it is to her. She has stayed levelheaded through all the fuss, but I think she enjoys it."

Cathy is now playing forward and guard positions for the U.S. Olympic team. We wish her well through the competition, which culminates in final competition August 7.●

RULE NOTICE FOR H.R. 5640

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. DINGELL. Mr. Speaker, I take this opportunity to advise the House of the intention of the Committee on Energy and Commerce to seek from the Committee on Rules a modified open rule providing for the consideration of H.R. 5640, the Superfund Expansion and Protection Act of 1984.●

PROTECTING WHISTLEBLOWERS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mrs. SCHROEDER. Mr. Speaker, last Wednesday an administration law judge [ALJ] of the Merit Systems Protection Board dismissed an action brought by the Special Counsel seeking disciplinary action against three top officials of the Defense Contract Audit Agency [DCAA]. These officials were alleged to have taken a reprisal action against George Spanton, an auditor at a defense contractor in Florida. Spanton was geographically reassigned after he went public with information about excessive labor rates and waste of Government money by the contractor.

The ALJ said he could not find a causal connection between the protected whistleblowing and the adverse personnel action. One of the men charged, Mr. Starrett, is the head of

DCAA. Once the Agency was under fire because of Spanton's charges, Starrett assigned one of his most trusted deputies to investigate Spanton's disclosures. Not surprisingly, this deputy did a hatchet job on Spanton. Based on this loaded report, Starrett ordered the reassignment. The ALJ thought this report provided plenty of clothes for the emperor.

Another of the men charged, Mr. Evans, specifically told the Special Counsel that he recommended the reassignment. Not good enough, said the ALJ.

If this were just a case of a promanagement ALJ misconstruing the law to protect top Agency officials, it would be bad, but probably not serious enough to bring up on the House floor. Rather, this ALJ was just following the will of the Merit Board, an agency which, in the last 2 years, has demonstrated an unmistakable antagonism to the merit personnel system. The Chairman of the Board, Herbert E. Ellingwood, is one of the most notorious practitioners of cronyism in the Federal Government.

Congress must send the Board a clear message that we were serious when we passed the whistleblower protection provisions of the Civil Service Reform Act of 1978. These provisions have been rendered worthless by the antiemployee attitude of the Merit Board. The Board has established a body of law which makes it just about impossible for a whistleblower to win. In doing so, the Board has perverted the will of Congress.

I have been quite critical of the Special Counsel in the past. In this case, however, once Special Counsel K. William O'Connor was bludgeoned into pursuing the case by Washington Times reporter Clark Mollenhoff, the Office of Special Counsel acted zealously. The travesty of justice in the Spanton case rests unquestionably at the doorstep of MSPB.

The Subcommittee on Civil Service, which I chair, has been working with the General Accounting Office to redesign the whistleblower protection scheme so that it works. Whether this means abolishing or strengthening the Office of Special Counsel, I cannot say. What I can say is that we must act to undo the damage to the merit system which has been caused by the Merit Systems Protection Board.●

HALL OF FAME INDUCTS BROOKLYN DODGER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize the achievements of Harold Henry "Peewee" Reese, the renowned captain and shortstop of the unforgettable Brooklyn Dodgers. An outstanding ballplayer, Mr. Reese will be inducted into the baseball Hall of Fame on August 12, 1984, in Cooperstown, NY.

In June of this year, the Brooklyn Dodger Hall of Fame collection was dedicated at the Brooklyn Public Library, Grand Army Plaza Branch, which is located in my district. On the occassion, Dr. Ron Gabriel, founder and president of the Brooklyn Dodger Fan Club, delivered a very moving dedication to the team. During his speech, Dr. Gabriel reminisced, "For nearly three-quarters of a century they [the Dodgers] united an entire borough—black and white, women and men, young and old, rich and poor. The Brooklyn Dodgers were more than just a ballclub—they were our family."

I would like to take this moment to pay tribute to a fine baseball team that made Brooklyn proud. And furthermore, I would like to congratulate Peewee Reese for being chosen by the baseball Hall of Fame. It is a well-deserved honor.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, August 7, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 8

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider the nominations of Andrew J. Strenio, Jr., of Maryland, J.J. Simmons III, of Oklahoma, and Paul H. Lamboley, of Nevada, each to be a member of the Interstate Commerce Commission.

SR-253

Judiciary

Juvenile Justice Subcommittee

To hold hearings on sexually explicit publications.

SD-226

Joint Economic

To resume a midyear review of the national economy.

SD-G50

10:00 a.m.

Environment and Public Works

Business meeting, to continue markup of S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).

SD-406

Finance

Health Subcommittee

To hold hearings on proposed adjustments to the diagnosis-related group (DRG) relative weights used to compute Federal payment rates under medicare's prospective payment system.

SD-215

Labor and Human Resources

Business meeting, to consider S. 2748, to revise the procedures for new drug applications by abbreviating certain generic drugs approved after 1962, and to provide for the extension of patents for certain regulated products, S. 2878, to permit the export of drugs not approved in the United States, S. 2568, Civil Rights Act of 1984, and the nomination of Rosemary M. Collyer, of California, to be General Counsel of the National Labor Relations Board.

SD-430

*Conferees

On H.R. 5798, appropriating funds for fiscal year 1985 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

H-140, Capitol

11:00 a.m.

Foreign Relations

Business meeting, to mark up S. 2768, to provide an undergraduate scholarship program for citizens and nationals of developing countries to study at American institutions of higher education, Senate Resolution 241, expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and to consider pending nominations.

SD-419

2:00 p.m.

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on miscellaneous public land measures, including S. 2657, S. 2658, S. 2659, S. 2660, S. 2661, and S. 2662.

SD-366

Finance

International Trade Subcommittee

To hold hearings on the President's authority to waive the freedom of emigration provisions of the Trade Act of 1974 (Public Law 93-618).

SD-215

Conferees
On S. 2463, authorizing funds for fiscal year 1985 for certain fisheries programs of the National Marine Fisheries Service, and authorizing funds for fiscal years 1985, 1986, and 1987 for the Deep Seabed Hard Minerals Resources Act.
S-205, Capitol

3:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Rules and Administration
Business meeting, to consider S. 1676, to establish guidelines to assure that registration and polling place facilities used for Federal elections are readily accessible to handicapped and elderly individuals, and other pending legislative and administration business.
S-207, Capitol

AUGUST 9

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2850, to designate certain National Forest System lands in the State of Montana for inclusion in the National Wilderness Preservation System.
SD-366

10:00 a.m.
*Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on a proposed amendment (Merchant Marine Promotion Act of 1984) to S. 1234, to grant a charter to the vessel *Norden* to be documented as a vessel of the United States entitled to engage in coastwise trade (pending on Senate calendar).
SD-124

Environment and Public Works
Business meeting, to continue markup of S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).
SD-406

Finance
To resume hearings on flat-rate and other major tax reform proposals.
SD-215

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Rules and Administration
To hold joint hearings with the House Administration Committee on S. 2271, to authorize the transfer of the General Post Office Building to the Smithsonian Institution without reimbursement.
H-328, Capitol

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

Joint Economic
To hold hearings to examine States' environment of innovation for high technology and small business development.
1310 Longworth Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To hold hearings to examine the reasons for the increase in imports of Canadian pork.
SR-328A

AUGUST 10

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 2879, to implement Indian regulation of surface coal mining operations and activities on Indian lands.
SD-562

10:00 a.m.
Environment and Public Works
Business meeting, to continue markup of S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).
SD-406

SEPTEMBER 12

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

CANCELLATIONS

AUGUST 7

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To resume hearings on S. 2771, to protect the internal security of the United States against international terrorism by making it a Federal felony for a foreign diplomat in the United States to use a firearm to commit a felony.
SD-226

AUGUST 9

9:30 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of controlled substances by sports figures.
SD-430