HOUSE OF REPRESENTATIVES—*Thursday, July 30, 1981*

The House met at 10 a.m.

Msgr. John J. Murphy, pastor, St. Joseph's Church on Capitol Hill, Washington, D.C., offered the following prayer:

God, our, Father in Heaven, look upon us assembled here.

We have been chosen, in freedom, to be witnesses to the hopes and aspirations of those whose trust we shoulder. May our first duty be to do what is best for our beloved country—and may that best, with all its human imperfections, reflect Your glory and inspire faith in Your divine protection.

As we labor to seek the common good, keep us mindful of the weakest of Your children so that nothing we do or say here will find us distant from their basic human rights—rights about which we speak so eloquently—rights no less ignoble though wrapped in poverty and helplessness.

Make us see O heavenly Father, the power that has been given to us as an instrument of Your presence working through and in us for Your glory and the happiness of mankind.

We humbly ask 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 without amendment a bill of the House of the following title:

H.R. 4074. An act to revise the laws pertaining to the Maritime Administration.

RIGHT REVEREND MONSIGNOR JOHN J. MURPHY

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

Mr. KILDEE. Mr. Speaker, I am pleased to welcome to the House of Representatives the Right Reverend Monsignor John J. Murphy, pastor of St. Joseph's Catholic Church on Capitol Hill. Since February 1, Monsignor Murphy has been the pastor for the U.S. Capitol and the Hill community. He comes to his present ministry after a most distinguished priestly career.

Monsignor Murphy is a native of Boston, Mass., who received his education at the Boston Latin School and Harvard University. During World War II he served in the 10th Mountain Division as a ski trooper and fought in the Italian campaign.

He returned home to change his career from military service to study for the priesthood and was ordained in 1954.

Monsignor Murphy has served in many positions since ordination including 14 years at the National Shrine of the Immaculate Conception in the Nation's Capital, the last 7 years as director.

PERMISSION FOR COMMITTEE ON JUDICIARY TO SIT TODAY DURING 5-MINUTE RULE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendments under the 5-minute rule, today, July 30, 1981.

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

Mr. HYDE. Mr. Speaker, reserving the right to object, I would like to join in that request because we have been trying to meet for some time on important legislation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PRESIDENT SHOULD SAVE MINIMUM SOCIAL SECURITY BENEFIT

(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, I join our fellow Members in congratulating the President on his tax victory of yesterday. Obviously he has mastered the congressional process.

I would now join those who are urging the President to save the minimum benefit for social security. If we can give the oil industry billions of dollars over the next 10 years in the tax bill, certainly we can save $122 a month for the frail and needy under the minimum benefits under social security.

Join us, Mr. President. The frail, the needy, the elderly of America need you and they need you now.

THE REPUBLICAN TRIUMPH

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

Mr. WILLIAMS of Montana. Mr. Speaker, yesterday the President of the United States and the Republican leaders in both the House and Senate scored a stunning victory. Democrats for most of the past five decades have had similar victories, and we have always been delighted with them. Today is the time for we Democrats to stand on the sidelines and cheer those who have achieved these triumphs.

With my applause, I make one indisputable observation: The Republican leadership and President Reagan have now won everything, save one. They have lost all their excuses.

PRESIDENT REAGAN—SUPERSTAR

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

Mr. SOLOMON. Mr. Speaker, when President Reagan came to town last January, you advised him that things would not be so easy from now on. I think the words you used were that, "He is in the big leagues now."

Well, I do not know what you think about that now but I not only think the President made it in the big leagues, I think he is a superstar in a league of his own.

Mr. Speaker, I have never been so proud and so happy to be a Member of Congress as I was yesterday. What we did here yesterday—and I say this from the bottom of my heart and without any politics—what we did yesterday will do wonderful things for the American people, all the American people, whether they make more or less than $50,000. I think we can concede now that all that $50,000 business was just political rhetoric.

I do not know how many of you saw that movie the President made many years ago when he played Grover Cleveland Alexander, a great pitcher. Well, Grover Cleveland Alexander is in the Hall of Fame now, and if there were a Hall of Fame for Presidents, I would be the first to nominate him for it.

ADDITIONAL CUTS PROPOSED FOR CONSIDERATION OF MEMBERS

(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, we are all celebrating the victory of yesterday and the adoption of a new tax program for the American people, but I do not think we should lose sight of the fact that with this tax reduction program it is estimated that we will have a deficit in the next fiscal year 1982 of some $45 billion, on the budget, and when we consider the off-budget items, probably $60 billion.

I believe that it is incumbent upon those of us serving in this body to look for additional ways to cut Federal spending and reduce this deficit and help reduce high interest rates in this country.

Federal demands for credit in the money markets of the country now consume about 40 percent of the available funds. If we reduce the Federal demand for credit to finance the deficit, we can significantly lower interest rates.

To this end, the Republican Study Committee has produced and published for consideration by the Members of the House a proposed list of cuts in the budget for 1982.

It describes some 272 items totaling some $52.3 billion for additional cuts which can be made in spending in 1982 without doing it on the backs of the poor, the downtrodden, and the handicapped.

I submit this to the consideration of the Members of the House.

□ 1010

THE END OF A PERFECT WEEK—REPUBLICANS 6; DEMOCRATS 4

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

Mr. CONTE. Mr. Speaker, in light of the outstanding results of the Mighty Elephant Team last night, I would like to take this opportunity to describe to you some of the sturdy characters who spelled doom for my colleagues on the other side of the aisle.

First, on first, we had CARL "Nothing Gets By Me" PURSELL, who eats up grounders like a horde of "Gypsy Moths" on a white pine forest. Then, we had a bevy of infielders whose gloves were like vacuum cleaners and arms like bazookas. There is "CAP," "The Night Stalker" HOLLENBECK whose eyesight is decidedly better for night games and GARY "The Stabber" LEE whose quickness at short defies even the sharpest eye to detect whether or not he has moved.

In the outfield we had such stalwarts as PETE "Freight Train" MCCLOSKEY, who assured me that this year he had liability insurance to cover his base running. We also had RON "The Cannon" PAUL who throws like he bats and bats like he throws—whatever that means. Next to him we had the "Human Scoop," DAN CRANE. The only retriever I know that could have beat DAN is my dog Primo. And what a base runner we had—none other than "Crazy Legs" JOEL PRITCHARD.

Mr. Speaker; although we had an all-star lineup which included JACK "The Giant" FIELDS; MIKE, the "Ox" OXLEY; "Beltin" BILL ARCHER; "Dangerous" DUNCAN HUNTER; "Joltin" JOHN HILER; and "Smashin" SID MORRISON; these names were useless without the presence of our "Illustrious Leader," our most "Deadly Companion," our "Scourage of Batter," the one and only JOHN "Razor-Tongue" LEBOUTILLIER. If you think that "Razor-Tongue" has thrown a few at the Democrats in the past, you should have seen him last night. His fast ball was so fast that even he could not see it. And his curve—well everyone already knew how that pitch of his worked.

And to back him up, Mr. Speaker, we had LYLE "Stonewall" WILLIAMS, the human backboard, at catcher, to hold "Razor-Tongue" down—if he tried to walk around anyone. And finally, our designated hitter was, "Clobberin" DON CLAUSEN, who, when used as a relief pitcher, could come at you over or under his belly from any position on the mound.

Mr. Speaker, As you are well aware, it has been a very taxing week, and nothing could have been more taxing to the Democrats than to come up losers to the Republicans by a score of 6 to 4 at the 20th annual congressional Baseball Game.

DEMOCRAT BALL TEAM SHALL RETURN

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

Mr. CHAPPELL. Mr. Speaker, I shall not try to match the act of the gentleman from Massachusetts (Mr. CONTE). Let me simply say that my good French friend, SILVIO CONTE, finally dug up a team last night that did play good ball. I do not know who coached them, but they looked exceptionally good. They played a good game, and we take nothing from them.

Mr. Speaker, the real truth of the matter is, while we as Democrats sometimes disappoint you, you would not have been disappointed in the way we played ball last night. Although the score was not as we wanted it to be, our men hit well, they played well. You would have been proud of them, with FAUNTROY at first; SABO at second; BONIOR at shortstop; RUSSO at third; MOFFETT, SYNAR, DOWNEY, FAZIO, and MCCURDY handling the outfield; MOTTL pitching; CHAPPELL catching; and with DOWNEY winning our outstanding player award; but like we Democrats sometimes do, we got our signals crossed up a time or two.

But, we put all on notice that our Democratic signals are improving, our ability to work together is improving, and we are going to put our future acts together in a proper and successful way, both politically and on the ballfield.

Mr. Speaker, we shall return to win again, again, and again.

TRIBUTE TO REPRESENTATIVE KEMP OF NEW YORK

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

Mr. BETHUNE. Mr. Speaker, I think throughout history that the men and women who have served in this Chamber, who have gained the respect of our colleagues, have been those individuals who are men and women of ideals, courage, and determination, those people who have the conviction to go against the grain in those times when the going is pretty tough.

I could single out many people here, leaders and others, who in the last few months have gone against the grain, but I thought, inasmuch as we passed the tax bill yesterday which called for across-the-board rate reductions, it was appropriate to single out someone who for more than 5 years has gone against the grain; a man of ideas, courage, and conviction, who has stood his ground over and over again and has done more to communicate the new day, the new American dream, the American renaissance, the politics of hope, than anyone I know. That is the gentleman from New York, JACK KEMP.

ADMINISTRATION PRESENTS NEW IMMIGRATION POLICY

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

Mr. ROTH. Mr. Speaker, the United States has had for too long a disastrous immigration policy. The American people have demanded a change. The administration has now set forth eight principles to bring some commonsense back to our immigration policy.

We are a nation of immigrants, yes, but we cannot accommodate all the people and all the world's refugees.

I know that Congress will act expeditiously and with all due dispatch to study these eight principles and to

bring a firm, fair and consistent immigration policy back to our country.

VOLUNTARY LIMITS ON IMPORTED SHOES FROM TAIWAN AND KOREA CALLED FOR

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

Mr. NELLIGAN. Mr. Speaker, I have written President Reagan asking him to negotiate voluntary limits on imported shoes from Taiwan and Korea as a way of providing continuing relief to the domestic shoe industry.

As you know, the President recently rejected the recommendation of the International Trade Commission to extend the international agreements to limit imports.

My district in northeastern Pennsylvania alone has 11 shoe firms which employ more than 2,000 workers. These firms have been devastated by foreign imports, which constitute 48.5 percent of shoes sold nationally.

So that the strides made in the last 4 years will not be eliminated and a successful modernization program can be completed, I am urging the President to negotiate voluntary limits with Taiwan and Korea, just as voluntary limits were negotiated with Japan for the auto industry, where imports were only 27 percent, not 48.5 percent.

In a perfect world, I always would choose to be a free trader. But, in this instance, I am convinced the best route is continued import relief for the domestic shoe industry—at least until the industry has a chance to get on its feet again.

TRIBUTE TO ROBERT MOSES, A GREAT AMERICAN BUILDER

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

Mr. McGRATH. Mr. Speaker, yesterday I received the sad news of the passing of Robert Moses, a great American whose genius contributed to a better way of life for millions of New Yorkers and residents of other areas throughout our Nation and the world.

The accomplishments of Robert Moses as a scholar, administrator, politician, and builder date back to the first decade of this century. In the grey days of the Great Depression, Robert Moses was recognized as a national leader in the administration of public works projects in parks, roadways, and housing programs. Through the following decades, the projects spurred by his vision and tremendous administrative ability provided New York and neighboring States with an unparalleled transportation system, greater electrical power production, and a tremendous network of parks and recreational facilities.

Engineers, executives, and students from the 50 States and many nations flocked to Moses to benefit from his skills. He attracted many dedicated and professional public servants to government. Others who worked with him went on to the private sector enriched with knowledge and ability.

On July 29, New York and our Nation lost a leader whose foresight helped bring us into the 20th century. The monuments to Robert Moses will remain long into the future for visitors and residents of New York to enjoy. I call upon my colleagues today to join me in a moment of prayer and reflection in memory of Robert Moses.

TRIBUTE TO REPRESENTATIVE JACK KEMP OF NEW YORK

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

Mr. RITTER. Mr. Speaker, in the aftermath of yesterday's historic vote on reducing the tax burden on the American people, I believe we in this Congress should be most grateful. First of all, we should be grateful to the President, who has shown to the American people that Presidential leadership is still possible. We need to be grateful to the hardworking members of the Ways and Means Committee, and particularly the chairman, the gentleman from Illinois (Mr. ROSTENKOWSKI) and the ranking minority member, the gentleman from New York (Mr. CONABLE).

I think we need to express gratitude to the leaders of both parties, the Speaker of the House and the minority leader, for their creative leadership and gentlemanly behavior in bringing their troops into the battle.

□ 1020

But Mr. Speaker I think one Member deserves special recognition for intellectual, economic, and political leadership over a 5-year period which brought tax debate to the point at which it arrived in the House yesterday, and that is the gentleman from New York (Mr. KEMP), the gentleman from New York has labored over the years, at times when those new ideas were very far from the Halls of this Congress. For 5 years he has been taking the message of increased incentives as critical to jobs and economic growth to the American people in a most creative way.

Mr. Speaker, I think, perhaps more than any one person, he deserves responsibility for the outcome yesterday.

FARMERS UNITED FOR THE GOOD OF THE NATION

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

Mr. ROEMER. Mr. Speaker, I had occasion this morning to attend another breakfast with some Members of the House. We have at least three breakfast invitations every morning. I was glad I went this morning because it was somewhat different. It was a breakfast hosted by the some 480,000 members of the Future Farmers of America, and I saw a great deal of hope for the country there.

I am a farmer myself; I grew up on one and worked as a farmer all my life until I retired and came to Congress. The information, the enthusiasm, and the commitment of this group to their country that I observed this morning was an important message to me.

There was a book written entitled "Out of Africa," and in that book the woman author wrote that "all farmers, wherever they might live, share the feeling of drought. After 30 days without rain, the first drops of rain unite farmers everywhere."

Mr. Speaker, the feeling I got at that breakfast this morning is that America is in good hands.

ROOKIE MAKES GOOD IN THE MAJOR LEAGUES

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

Mr. HAGEDORN. Mr. Speaker, back in November you offered some rather fatherly advice to President-elect Reagan when he visited Capitol Hill. Let me refresh my colleagues on what you said to the rookie President from California. You said, and I quote:

> The Governor of a State plays in the minor leagues. When you're President you're in the big leagues. Things may not move as fast as you want them to.

Mr. Speaker, President Reagan, as demonstrated by yesterday's tax cut vote, is a polished professional who can more than hold his own in the big leagues. With his good pitch, a bipartisan team and the cheering support of the American people, the President has struck out the outdated big spending and high tax policies that your team represents way out there in left field.

Professional baseball players may be on strike, but the heavy hitting has been going on all year here in the House of Representatives. The first strike came early in the season on May 7 with the passage of the Gramm-Latta budget resolution. Strike two came on June 26 with the vote in favor of the budget reconciliation bill the President favored. The third strike, and the one that should keep you on the bench, came just yesterday with the passage of the tax cut package. As much as I disagree with your game

plan, I have to give you credit for going down swinging for what you believe in.

Your team may have struck out, Mr. Speaker, but the American people have won with the passage of a budget and tax package that will put the United States back on the road to economic recovery.

As we prepare for the upcoming recess, we can go back to our districts knowing we had a successful season.

APPOINTMENT OF CONFEREES ON S. 1098, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1098) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. FUQUA, FLIPPO, GLICKMAN, NELSON, BROWN of California, WINN, GOLDWATER, and HOLLENBECK.

EXPRESSING SENSE OF THE HOUSE REGARDING POLAND AND EAST-WEST RELATIONS

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 124) expressing the sense of the House of Representatives that the United States could not remain indifferent to any internal repression or external aggression against the people of Poland and that such developments would have serious consequences for East-West relations, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I take this opportunity to yield to the gentleman from Wisconsin (Mr. ZABLOCKI), the chairman of the Committee on Foreign Affairs for an explanation of this resolution.

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

Mr. Speaker, I rise in strong support of House Resolution 124.

House Resolution 124 was introduced by our colleague, the gentleman from Nebraska (Mr. DAUB). This resolution adds to the continuation of the perceptive, constructive role played by the House of Representatives in foreign affairs. The resolution has nearly 100 cosponsors of all ideological persuasions and is a clear bipartisan statement of congressional sentiment of this key foreign policy issue.

House Resolution 124 represents a thoughtful and intelligent approach to the present situation in Poland. It articulates a firm congressional message of support for what must be the guiding principle of U.S. policy toward Poland: Polish solutions to Polish problems. U.S. policy on Poland must be centered on this principle if that policy is to be successful. That must also be the policy of all other states.

The resolution also encourages the implementation of concrete steps to advance U.S. policy toward Poland. These include working with other nations to ease Poland's economic difficulties and support for the sale of surplus food supplies at concessionary prices and with Polish currency. Our country has demonstrated its humanitarian compassion with the sale of 400,000 tons of corn this week and, hopefully, will continue to assist the people of Poland by selling our surplus butter and other commodities to help alleviate Poland's economic problems. The resolution also offers a subtle but effective warning to the Soviet Union that Moscow-sponsored repression or aggression against Poland would have grave consequences for East-West relations.

Mr. Speaker, it is generally agreed that one factor that has deterred Soviet action against Poland and permitted the Polish people to resolve their economic problems in their own way is the clear understanding that the United States would not remain indifferent to such action. House Resolution 124 represents a responsible effort to make that understanding ever more clear. I urge the adoption of the resolution.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield such time as he may consume to the gentleman from Nebraska (Mr. DAUB), who is the real sponsor of this legislation.

Mr. DAUB. Mr. Speaker, I would like to commend the able chairman of the Foreign Affairs Committee, Mr. CLEMENT ZABLOCKI for his foresight and leadership on the measure at hand. Mr. WILLIAM BROOMFIELD, the ranking member of that committee has also contributed greatly to this opportunity we now have to address the events in Poland. The chairman of the Subcommittee on Europe and the Middle East, Mr. LEE HAMILTON, as well as the ranking member of that subcommittee, Mr. PAUL FINDLEY, are also to be commended for their efforts on this matter.

For some time now, we have all been watching the people of Poland wage an inspirational campaign for fundamental political, economic and social justice. The courage they have shown is strong testimony to the moral integrity of the Polish people and the moral bankruptcy of Soviet-styled communism.

Recently, a special party congress convened in Poland. For the first time in Eastern bloc history, a Communist party elected its leaders from multiple candidates and with secret ballots. Only a united and truly determined populace could have prodded an entrenched Communist bureaucracy into the extraordinary procedures with which we in the West are so well accustomed.

While these developments are encouraging signs for the lives of millions of Poles, they are alarming trends from the Kremlin's perspective. It is clear that the seeds of injustice and inhumanity which the Soviets have sown in the soil of Poland has now borne the Russians a bitter fruit; a fruit which has poisoned their control over that nation.

Mr. Speaker, I do not believe that a Warsaw Pact invasion is inevitable. Neither, however, do I feel that it is impossible.

In my judgment, this body, as one of the highest political forums in the United States, has an obligation to state formally our profound concern over the possibility of aggression against the people of Poland. The Soviets must understand that military intervention in Poland will not be met in this country with a business-as-usual attitude.

House Resolution 124 was introduced to demonstrate that the House is behind the people of Poland in their quest for fundamental liberty. This resolution sends a signal to the Soviets that—

> The United States could not remain indifferent to external aggression or internal repression against the people of Poland and that such developments would have serious consequences for East-West relations.

Mr. Speaker, the fundamental freedoms we have enjoyed since the birth of our Nation are so well established that I think we at times take them for granted. The noble struggle of the Polish people for basic liberty should be an inspirational reminder that our liberty is not only to be cherished, but guarded.

The bold strides toward liberty which the Polish people have taken so far, reaffirms what George Washington once said about foreign tyranny during our own struggle for independence:

> That a free man, contending for liberty on his own ground, is superior to any slavish mercenary on Earth.

Mr. Speaker, I urge adoption of the resolution.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Pennsylvania (Mr. NELLIGAN), one of the principal sponsors of this resolution.

Mr. NELLIGAN. Mr. Speaker, I believe we are all aware of the tense situation which now exists in Poland.

The recent decision by the Reagan administration to grant Poland $55 million in new long-term credit to purchase U.S. corn is an encouraging development. It demonstrates the commitment of our Nation to aid Poland in its time of need.

However, it is undeniable that Poland faces a volatile political situation in the wake of its extraordinary party congress. Of particular concern is the June letter from the Kremlin to the Polish party leadership which advocated the strengthening of the army and security forces to counter the activities of "antisocialist forces." The Soviets have continuously pressured the Polish Government with thinly veiled threats. They have sought to subvert the will of the Polish people with the force of their arms.

I am one of the original cosponsors of House Resolution 124 because I wish to demonstrate my concern for the security of Poland. The resolution explicitly states that it is "The sense of the House of Representatives that the United States could not remain indifferent to any internal repression or external aggression against the people of Poland."

It also commends the peaceful attempts to resolve the differences between the workers and government officials in Poland and supports President Reagan in his efforts to ease Poland's economic difficulties—especially in his decision to sell surplus food supplies to Poland at concessionary prices.

I believe House Resolution 124 is an important, forceful statement of policy. We, in the Congress of the United States, must make it clear to the Soviet Union that it should cease its intermeddling in Polish affairs. We must make it clear that the United States will consider any intervention to be a grave disruption of international peace and security.

There are many social, cultural, and philosophic ties between our country and the nation of Poland. The United States must support the Polish people in their time of need, and seek a peaceful resolution of the current crisis.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding so that I might personally thank the chairman of the Committee on Foreign Affairs, and the ranking member, the gentleman from Michigan (Mr. BROOMFIELD), and the gentleman from Nebraska (Mr. DAUB), and the gentleman from Pennsylvania (Mr. NELLIGAN), for bringing this very, very vital and important issue to the floor. I urge its unanimous passage.

Mr. Speaker, I rise in support of this resolution. Last March, I filed a very similar resolution but I am very happy to speak in favor of this proposal from my colleague from Nebraska.

The council of the NATO alliance suggested last year that any intervention by the Soviets in Poland would have very severe consequences for East/West relations. Secretary Haig has endorsed those views.

So this resolution is nothing more than putting the U.S. Congress on record as being in support of the administration's policy.

Mr. Speaker, the people of poland are very brave. They have taken courageous steps in the last few months to seek more freedom. The American people share a very close cultural bond with the Poles. Some of our most distinguished citizens have been of Polish descent. They have contributed much to this country.

We are not trying to tell the Polish people how to run their country. They are fully capable of running their own nation. But the Congress must go on record in opposition to Soviet expansionism, whether it is in Afghanistan, Africa, Asia, or Europe. The Soviet leaders must know that the American people will not stand by and watch Soviet tanks roll into another country.

Mr. Speaker, let the people of Poland resolve their own problems. That's all we ask.

Mr. BROOMFIELD, Mr. Speaker, further reserving the right to object, I support House Resolution 124, which accurately and succinctly expresses the sense of the House of Representatives concerning the position of our Nation on the differences which have yet to be resolved between Polish workers and the Polish Government. Most importantly, House Resolution 124 commends the ongoing peaceful negotiations between Polish Government and worker representatives to resolve their differences; and clearly states that the United States will not condone any actions of external aggression or officially sanctioned internal repression which are intended to force or squash the position of either side in the dispute.

Given the tremendous concern of the American people about the current situation in Poland, and the delicate and potentially explosive nature of the recent developments in that country, it is essential that the House of Representatives clearly states the position of our Nation on the issue of Poland. House Resolution 124 performs this essential task well.

In addition, I would like to take this opportunity to express my praise an admiration for Solidarity and the Polish people. I had the distinct honor and privilege of cochairing with our colleague, CLEM ZABLOCKI, the President's delegation to the funeral of Cardinal Wyszynski. During that trip, I was able to talk with Lech Walesa and to get a sense of the attitude of the Polish people. I was very impressed by their dedication to social, economic, and political reform, and their determination to achieve these goals through peaceful means.

It is a great hope of this Nation and all freedom-loving peoples that the process of reform in Poland that is underway will continue. The House of Representatives can help to protect this process of reform by passing House Resolution 124.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Iowa (Mr. HARKIN), one of the original sponsors of this resolution.

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

I rise in vigorous support of House Resolution 124. I have been very concerned, as Members of this body are aware, with the observance of human rights throughout the world ever since I first came to the House; but nothing has thrilled me so much as the efforts of the Polish people to regain for themselves a modicum of freedom. It is inspiring to people all over the world. It shows them that even in the face of a brutal tyranny sponsored by another country, a determined people can successfully force their government to recognize their basic human rights.

But the Polish drama is not over. The Soviet Union with the Red army always poses a threat to very substantial gains by the Polish people. The House must express itself in the strongest possible words that the United States will not stand idly by if the Soviet armed forces were to invade Poland. We must make it plain to the Soviet rulers that the people of the United States will stand as one in support of severe sanctions if the Soviet Union tries to roll back the tide of history and human freedom in Poland.

All over the world people are struggling for greater democracy and greater observance of their basic human rights. The focus of the world is now on Poland.

I urge my colleagues to support this resolution.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. GILMAN).

□ 1040

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

Mr. Speaker, I rise in strong support of House Resolution 124. As a cosponsor of this resolution, I would first like to commend the author of the resolution, the gentleman from Nebraska (Mr. DAUB) for his leadership on this issue and the chairman and ranking minority member of the Committee on Foreign Affairs, Mr. ZABLOCKI and Mr. BROOMFIELD, respectively, for their role in expeditiously bringing this resolution to the floor.

It is indeed appropriate that we should consider this important resolution on Poland today on the eve of the sixth anniversary of the signing of the Helsinki accords. House Resolution 124 supports those fundamental beliefs of self-determination and rejection of external interference in that country that are such an important part of the Helsinki agreements.

Specifically, the resolution commends the peaceful attempts to resolve the Polish crisis and supports the efforts of the President to work with other nations to ease Poland's economic difficulties and to provide needed food supplies at favorable prices. It also states that while our hope that a peaceful resolution of current difficulties will continue, the United States could not remain indifferent to any external aggression or internal repression. Such aggression or repression would be viewed as a disruption of the international peace and security and would have serious consequences for East-West relations.

Just yesterday, I inserted into the RECORD a recent statement on Polish solidarity by Monsignor Bela Varga, the chairman of the Hungarian Committee, an organization of democratic Hungarian politicians exiled by the Communist regime in Hungary. Monsignor Varga, who formerly served as Speaker of the Hungarian Parliament, expressed the importance of the Polish struggle not only for the Polish people but for all peoples in the region. Their success will certainly benefit all people behind the Iron Curtain as it weakens the colonizing power of the Soviet Union.

For the American people, of which so many are of Polish heritage, there is great concern about developments now taking place in that country. By adopting this resolution we officially voice our concern and clearly state our support for the peaceful self-determination of the Polish people.

Accordingly, I urge my colleagues to join the cosponsors of this resolution in full support of House Resolution 124.

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

Mr. BROOMFIELD. Further reserving the right to object, I yield to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Last fall I had the opportunity to meet with Francois Blanchard, Secretary General of the International Labor Organization, located in Geneva. At that time the Solidarity movement in Poland was beginning to make the news.

Since then, I have been heartened by the apparent willingness of the Polish Communist Party to work with the Solidarity labor movement. Poland's achievement may represent a watershed in the evolvement of the Eastern European Communist countries. For this very reason, however, there still exists the threat of either internal or external repression of these hard-fought freedoms which the Polish people have won. I therefore join my colleagues in this resolution which will convey to the Polish people our support.

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

Mr. BROOMFIELD. Further reserving the right to object, I am happy to yield to the gentleman from Michigan (Mr. HERTEL).

Mr. HERTEL. Mr. Speaker, I rise in support of the resolution and I am very happy to see such strong bipartisan support, and also to see such strong language in this resolution so that the Polish people and the Russian Government will know that the United States will not sit idly by and allow any aggression to occur in Poland.

The situation in the last few days again has become more serious. So I think it is very appropriate that we pass this resolution today, and I would hope unanimously.

The American people have a great kinship with the Polish people that has gone on for centuries. We have shared the ideals of democracy, of freedom, and it is so important that this resolution be passed by the House so that the dark days of the Russian onslaught in Hungary and Czechoslovakia will not be allowed to happen again by our Government.

● Mr. MICHEL. Mr. Speaker, I think it is fitting that the Congress should formally express its concern for the situation in Poland.

What has happened in that country is extraordinary. After over 40 years of continual domination by totalitarian powers—Nazi Germany and Soviet Communism—the people of Poland have not only kept alive the flame of liberty but have now shown that flame to the world, as a symbol of determination, courage and faith.

In a sense, the workers of Poland and their families have become teachers of the world—they teach us how important freedom is by their example.

Anyone fortunate enough to be living in a free country owes a debt of thanks to the people of Poland for reminding us how precious freedom is and what people are willing to risk just to get a taste of it.

I know that Radio Free Europe, and the Voice of America will broadcast the news of this resolution to the Polish people and that Radio Liberty will tell people in the Soviet Union. The very fact that the Congress has formally recognized the plight of the Polish people is a victory for solidarity.

Any attempt to put an end to the Solidarity movement either through armed invasion or the more insidious, but just as deadly, policy of internal repression, would indeed have "serious consequences for East-West relations."

So, as we salute the Polish people, let us also thank them. What they are doing now will be seen by history as a turning point in the history of freedom in Europe. It is extremely important that the gains they have made not be taken away and that they continue to express their basic human right for freedom.

The policy of the United States should support that effort. I am glad therefore that we are on record as supporting the peaceful assets of the Polish people to regain what is theirs by right.●

● Mr. PARRIS. Mr. Speaker, I rise in strong support of the resolution offered by my colleague, the distinguished gentleman from Nebraska. This resolution expresses the United States great concern for the people of Poland should any external aggression or internal repression take place. This resolution further states that any such occurrences would have serious consequences for East-West relations.

The entire world is closely watching the situation in Poland, particularly the Soviet Union. This month, Poland held its First National Party Congress since the labor strikes last summer and elected its leadership by democratic ballot. This is the first time in history that any Communist nation has elected its party leadership by secret ballot. The Soviet Union is remaining very cautious toward the Polish Government and Soviet troops are still maintained in a state of readiness on the Polish borders.

This is a bipartisan resolution that is in line with the administration's policy toward Poland. I, therefore, urge my colleagues on both sides of the aisle to support this resolution.●

● Mr. PAUL. Mr. Speaker, the resistence of the Polish people to the pressure from their government to modify their demands for economic and political reform, as well as to the clear threats from the Soviet Union, is an inspiration to all of us.

I approve of many of the sentiments expressed in House Resolution 124, however, I believe it makes the fundamental mistake of confusing the Polish Government with the Polish people.

The people of Poland are demanding an end to the disastrous economic policies, and the intolerable political repression, of the Communist dictatorship. Since such tyranny is integral to the nature of Communist systems, it is only when that system falls that they will be able to permanently achieve their goals. For now, they have only gained "concessions" from the Government—not the rights to which we are all entitled.

The Polish Government, on the other hand, while refusing to abandon its socialist economics—and while remaining ready to pounce on the people if "things go to far"—has managed to enlist the support of the West in propping up a system doomed to failure. Thus, under pressure from Western governments, part of Poland's $25 billion-plus debt has been "rescheduled"—though the country is actually in default on its loan payments—and now the U.S. Government, with the approval of this House, will help the Polish Government quell the rising tide of discontent in Poland over the acute shortages of food by providing $55 million in credits to buy food, and additional amounts in surplus produce of the United States.

Whose side is the United States on? The Communist Party of Poland's? Or, the Polish people? I think that most Americans would choose the latter.

But, there are those in this country who would play "realpolitik" by maintaining that the independence of Poland from the Soviet Union is the main goal we should pursue; therefore, assistance to the Polish Communists to help them maintain power is in our best interests.

I disagree. Whether the totalitarianism is homegrown in Warsaw or fermented in the Kremlin, it is the same to the people crushed by it. Under such circumstances, trying to make things merely marginally better will only delay, and perhaps permanently frustrate, the movement toward liberty.

Rather, we should see what assistance Americans voluntarily are willing to give directly to the people of Poland, not its government, and desist in our counterproductive economic assistance to the oppressors.

As for the national interests of the United States: They remain what they have always been, protection of our own country, resistence to tyranny in any form, and support—both spiritually and in voluntary assistance—to all of those struggling for freedom around the world today. The Soviet Union is not our enemy so much as the ideas on which it was founded; we cannot afford to engage in gamesmanship with a particular tyranny, while failing to see that it is tyranny itself that is our enemy.

For these reasons, Mr. Speaker, I must vote against this resolution, though I recognize the sincere motives of the Members of this body in passing it.●

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

The SPEAKER pro tempore (Mr. ADDABBO). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 124

Whereas the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights provide that "all peoples have the right on self-determination";

Whereas any aggression against Poland by outside forces would be contrary to international law and commitments, including the United Nations Charter and the Final Act of the Conference on Security and Cooperation in Europe; and

Whereas the workers and government officials of Poland have recently dealt with their differences peaceably through negotiations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the peaceful attempts to resolve differences between the workers and government officials in Poland;

(2) welcomed the visit to the United States by the First Deputy Prime Minister Jagielski;

(3) would consider any aggression against Poland by outside forces to be a disruption of international peace and security;

(4) would view with grave concern the use of officially sanctioned repression by internal forces in Poland;

(5) considers that the United States could not remain indifferent to any external aggression or internal repression against the people of Poland and that such developments would have serious consequences for East-West relations;

(6) supports the President in efforts to work with other nations to ease Poland's economic difficulties and further supports the decision by the United States Government to sell surplus food supplies to Poland at concessionary prices and in the Polish currency provided that neither external aggression nor internal repression occurs; and

(7) expresses the hope that the Polish workers and the Polish Government will continue to resolve their differences through peaceful negotiations.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 410, nays 1, not voting 23, as follows:

[Roll No. 179]

YEAS—410

Addabbo	Dixon	Hubbard
Akaka	Donnelly	Huckaby
Albosta	Dorgan	Hughes
Alexander	Dornan	Hunter
Anderson	Dougherty	Hutto
Annunzio	Dowdy	Hyde
Anthony	Downey	Ireland
Applegate	Dreier	Jacobs
Archer	Duncan	Jeffries
Ashbrook	Dunn	Jenkins
Aspin	Dwyer	Johnston
Atkinson	Dyson	Jones (NC)
AuCoin	Early	Jones (OK)
Badham	Eckart	Jones (TN)
Bafalis	Edgar	Kastenmeier
Bailey (MO)	Edwards (AL)	Kazen
Bailey (PA)	Edwards (CA)	Kemp
Barnard	Edwards (OK)	Kildee
Barnes	Emerson	Kindness
Beard	Emery	Kogovsek
Bedell	English	Kramer
Beilenson	Erdahl	LaFalce
Benedict	Erlenborn	Lagomarsino
Benjamin	Ertel	Lantos
Bennett	Evans (DE)	Latta
Bereuter	Evans (GA)	Leach
Bethune	Evans (IA)	Leath
Bevill	Evans (IN)	LeBoutillier
Biaggi	Fary	Lee
Bingham	Fazio	Lehman
Blanchard	Fenwick	Leland
Bliley	Ferraro	Lent
Boggs	Fiedler	Levitas
Boland	Fields	Lewis
Bolling	Findley	Livingston
Boner	Fish	Loeffler
Bonior	Fithian	Long (LA)
Bonker	Flippo	Long (MD)
Bouquard	Florio	Lott
Bowen	Foglietta	Lowery (CA)
Breaux	Foley	Lowry (WA)
Brinkley	Ford (TN)	Lujan
Brodhead	Forsythe	Luken
Brooks	Fountain	Lundine
Broomfield	Fowler	Lungren
Brown (CA)	Frank	Madigan
Brown (CO)	Frenzel	Markey
Brown (OH)	Frost	Marks
Broyhill	Fuqua	Marlenee
Burgener	Garcia	Marriott
Burton, Phillip	Gaydos	Martin (IL)
Butler	Gejdenson	Martin (NC)
Byron	Gephardt	Martin (NY)
Campbell	Gilman	Matsui
Carman	Ginn	Mattox
Carney	Glickman	Mavroules
Chappell	Gonzalez	Mazzoli
Chappie	Goodling	McClory
Cheney	Gore	McCloskey
Clausen	Gradison	McCollum
Clinger	Gramm	McCurdy
Coats	Green	McDade
Coelho	Gregg	McEwen
Coleman	Grisham	McGrath
Collins (IL)	Guarini	McHugh
Collins (TX)	Gunderson	McKinney
Conable	Hagedorn	Mica
Conte	Hall (OH)	Michel
Conyers	Hall, Ralph	Mikulski
Corcoran	Hall, Sam	Miller (CA)
Coughlin	Hamilton	Miller (OH)
Courter	Hammerschmidt	Mineta
Coyne, James	Hance	Mitchell (MD)
Coyne, William	Hansen (ID)	Mitchell (NY)
Craig	Hansen (UT)	Moakley
Crane, Daniel	Harkin	Moffett
Crane, Philip	Hartnett	Molinari
D'Amours	Hatcher	Mollohan
Daniel, Dan	Hawkins	Montgomery
Danielson	Heckler	Moore
Dannemeyer	Hefner	Moorhead
Daschle	Hendon	Morrison
Daub	Hertel	Mottl
Davis	Hightower	Murphy
de la Garza	Hiler	Murtha
Deckard	Hillis	Myers
Dellums	Holland	Napier
DeNardis	Hollenbeck	Natcher
Derrick	Holt	Neal
Derwinski	Hopkins	Nelligan
Dickinson	Horton	Nelson
Dicks	Howard	Nichols
Dingell	Hoyer	Nowak

O'Brien	Rousselot	Swift
Oakar	Roybal	Synar
Oberstar	Rudd	Tauke
Obey	Russo	Tauzin
Ottinger	Sabo	Taylor
Oxley	Santini	Thomas
Panetta	Sawyer	Traxler
Parris	Scheuer	Udall
Pashayan	Schroeder	Vander Jagt
Patman	Schulze	Vento
Patterson	Seiberling	Volkmer
Pease	Sensenbrenner	Walgren
Pepper	Shamansky	Walker
Perkins	Shannon	Wampler
Petri	Sharp	Washington
Peyser	Shaw	Watkins
Pickle	Shelby	Waxman
Porter	Shumway	Weaver
Price	Shuster	Weber (MN)
Pritchard	Siljander	Weber (OH)
Pursell	Simon	Weiss
Quillen	Skeen	White
Rahall	Skelton	Whitehurst
Railsback	Smith (AL)	Whitley
Rangel	Smith (IA)	Whittaker
Ratchford	Smith (NE)	Whitten
Regula	Smith (NJ)	Williams (MT)
Reuss	Smith (OR)	Williams (OH)
Rhodes	Smith (PA)	Wilson
Richmond	Snowe	Winn
Rinaldo	Snyder	Wirth
Ritter	Solarz	Wolf
Roberts (KS)	Solomon	Wolpe
Roberts (SD)	Spence	Wortley
Robinson	St Germain	Wright
Rodino	Stangeland	Wyden
Roe	Stanton	Wylie
Roemer	Stark	Yates
Rogers	Staton	Yatron
Rose	Stenholm	Young (FL)
Rosenthal	Stokes	Young (MO)
Rostenkowski	Stratton	Zablocki
Roth	Studds	Zeferetti
Roukema	Stump	

NAYS—1

Paul

NOT VOTING—23

Andrews	Fascell	McDonald
Burton, John	Ford (MI)	Minish
Chisholm	Gibbons	Savage
Clay	Gingrich	Schneider
Cotter	Goldwater	Schumer
Crockett	Gray	Trible
Daniel, R. W.	Heftel	Young (AK)
Dymally	Jeffords	

□ 1100

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the resolution just agreed to.

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

There was no objection.

PRISONER OF WAR BENEFITS AND HEALTH-CARE SERVICES ACT OF 1981

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1100) to amend title 38, United States Code, to expand eligibility of former prisoners of war for certain benefits and health-care services provided by the Veterans' Administration, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments with amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments and the House amendments to the Senate amendments.

The Clerk read the Senate amendments and the House amendments to the Senate amendments, as follows:

Senate amendments: Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Former Prisoners of War Benefits Act of 1981".

SEC. 2. (a) Chapter 3 of title 38, United States Code, is amended by adding after section 220 the following new section:

"§ 221. Advisory Committee on Former Prisoners of War

"(a)(1) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Former Prisoners of War (hereafter referred to in this section as the 'Committee').

"(2) The members of the Committee shall be appointed by the Administrator from the general public, shall serve for terms to be determined by the Administrator, not to exceed three years, and shall include—

"(A) appropriate representatives of veterans who were held as prisoners of war;

"(B) individuals who are recognized authorities in fields pertinent to disabilities prevalent among former prisoners of war, including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine; and

"(C) appropriate representatives of disabled veterans.

"(3) The Committee shall also include as ex officio members the Chief Medical Director and the Chief Benefits Director, or their designees.

"(b) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits under this title to veterans who were held as prisoners of war, and the compensation, health care, and rehabilitation needs of such veterans.

"(c) Not later than July 1, 1982, and not later than July 1 of each even-numbered year thereafter, the Committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration that pertain to veterans who were held as prisoners of war, and shall include in each such report an assessment of the compensation, health care, and rehabilitation needs of such veterans, a review of the programs and activities of the Veterans' Administration designed to meet such needs, and such recommendations, including recommendations for administrative and legislative actions, as the Committee determines appropriate. The Administrator shall submit such report to the Congress forthwith with any comments the Administrator determines appropriate. The Committee may also submit to the Administrator such other reports and recommendations as the Committee determines appropriate. The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a summary of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator was submitted to the Congress pursuant to such section.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 220 the following new item:

"221. Advisory Committee on Former Prisoners of War.".

SEC. 3. (a) Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(32) The term 'prisoner of war' means a veteran who, while serving in the active military, naval or air service was forcibly detained or interned in line of duty by an enemy government or its agents, or a hostile force—

"(A) during a period of war; or

"(B) during any period other than a period of war in which such veteran was held under circumstances which the Administrator finds comparable to the circumstances under which persons have generally been forcibly detained or interned during periods of war.".

(b) Section 612(b)(7) is amended by striking out "of World War I, World War II, the Korean conflict, or the Vietnam era".

SEC. 4. Section 312 of title 38, United States Code, is amended by—

(1) striking out subsection (b) in its entirety;

(2) redesignating subsection (c) as subsection (b); and

(3) amending subsection (b) as redesignated in clause (2) of this section to read as follows:

"(b) For the purposes of this title and subject to the provisions of section 313 of this title—

"(1) in the case of any veteran who was held as a prisoner of war for not less than thirty days, the disease of—

"(A) avitaminosis,

"(B) beriberi (including beriberi heart disease),

"(C) chronic dysentery,

"(D) helminthiasis,

"(E) malnutrition (including optic atrophy associated with malnutrition),

"(F) pellagra, or

"(G) any other nutritional deficiency, and

"(2) in the case of any veteran who, while so serving, was held as a prisoner of war for any period of time, the disease of psychosis which becomes manifest as a disability to a degree of 10 per centum or more after such service, shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service.".

SEC. 5. Section 610(a) of title 38, United States Code, is amended by—

(1) striking out "and" at the end of clause (3);

(2) redesignating clause (4) as clause (5); and

(3) inserting after clause (3) the following new clause:

"(4) any veteran who was held as a prisoner of war; and".

SEC. 6. Section 612(i) of title 38, United States Code, is amended by—

(1) redesignating clause (4) as clause (5); and

(2) inserting after clause (3) the following new clause:

"(4) To any veteran described in section 610(a)(4) of this title.".

SEC. 7. (a) In order to assist in the further development of statutory and administrative policies regarding the needs of veterans who are former prisoners of war by address-

ing certain issues not resolved on basis of the study submitted pursuant to section 305 of Public Law 95-479, the Administrator of Veterans' Affairs (hereafter referred to in this section as "Administrator") shall conduct a further study of the health of former prisoners of war. In carrying out such study the Administrator shall examine—

(1) the types, combinations, severity, and frequency of occurrences of physical and mental disabilities (including but not limited to psychoneuroses, arthritis, respiratory and gastrointestinal disorders, and frozen feet residuals) particularly prevalent among such veterans:

(2) a representative sample of the cases of such veterans whose claims for disability compensation under chapter 11 of title 38, United States Code, have been denied; and

(3) any other factors considered relevant to the issues whether (A) additional presumptions should be established to assist such veterans in obtaining determinations that their disabilities are the result of their experiences as prisoners of war, and (B) the eligibility of any such veterans for health-care services from the Veterans' Administration should be expanded.

(b) Not later than December 31, 1982, the Administrator shall prepare and transmit to the Congress a report on the results of the study required by this section. Such report shall include such recommendations for administrative and legislative action as the Administrator considers may be necessary to meet the needs of veterans who are former prisoners of war for disability compensation and health-care services.

(c) In preparing the design of and conducting the study required by this section and in preparing the report required by this section, the Administrator shall consult with the Advisory Committee on Former Prisoners of War established pursuant to section 221 of title 38, United States Code (as added by section 2 of this Act).

SEC. 8. (a) Notwithstanding any provision of law—

(1) any veteran who was held as a prisoner of war (as defined in paragraph (32) of section 101 of title 38, United States Code, as added by section 3(a) of this Act) may, not later than December 31, 1982, file a claim for disability compensation under chapter 11 of title 38, United States Code, based upon a mental disorder with respect to which a previous such claim was disallowed prior to January 1, 1981; and

(2) any claim filed pursuant to clause (1) of this subsection shall for all purposes under such title be considered an original claim.

(b) The Administrator shall, to the maximum extent feasible and in order to carry out the requirements of subchapter IV of chapter 3 of such title seek out and provide information to veterans affected by the provisions of subsection (a) regarding the opportunity to file a claim for disability compensation pursuant to such subsection.

SEC. 9. (a) Except as provided in subsection (b), the amendments made by this Act shall be effective on the date of enactment.

(b) The amendments made by section 4 of this Act shall become effective October 1, 1981.

Amend the title so as to read: "An Act to amend title 38, United States Code, to improve certain programs of Veterans' Administration benefits for veterans who are former prisoners of war, and for other purposes.".

House amendments to Senate amendments: In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

That (a) this Act may be cited as the "Former Prisoner of War Benefits Act of 1981".

(b) Whenever in this Act 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 title 38, United States Code.

SEC. 2. (a) Chapter 3 is amended by inserting after section 220 the following new section:

"§ 221. Advisory Committee on Former Prisoners of War

"(a)(1) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Former Prisoners of War (hereinafter in this section referred to as the 'Committee').

"(2) The members of the Committee shall be appointed by the Administrator from the general public and shall include—

"(A) appropriate representatives of veterans who are former prisoners of war;

"(B) individuals who are recognized authorities in fields pertinent to disabilities prevalent among former prisoners of war, including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine; and

"(C) appropriate representatives of disabled veterans.

The Committee shall also include, as ex officio members, the Chief Medical Director and the Chief Benefits Director, or their designees.

"(3) The Administrator shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Administrator, except that the term of service of any such member may not exceed three years.

"(b) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits under this title for veterans who are former prisoners of war and the needs of such veterans with respect to compensation, health care, and rehabilitation.

"(c) Not later than July 1, 1983, and not later than July 1 of each second year thereafter, the Committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration that pertain to veterans who are former prisoners of war. The Committee shall include in each such report an assessment of the needs of such veterans with respect to compensation, health care, and rehabilitation, a review of the programs and activities of the Veterans' Administration designed to meet such needs, and such recommendations (including recommendations for administrative and legislative action) as the Committee considers to be appropriate. The Administrator shall immediately submit such report to the Congress with any comments concerning the report that the Administrator considers appropriate. The Committee may also submit to the Administrator such other reports and recommendations as the Committee considers appropriate. The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a summary of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator submitted to the Congress pursuant to such section.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 220 the following new item:

"221. Advisory Committee on Former Prisoners of War.".

SEC. 3. (a) Section 101 is amended by adding at the end the following new paragraph:

"(32) The term 'former prisoner of war' means a person who, while serving in the active military, naval or air service, was forcibly detained or interned in line of duty—

"(A) by an enemy government or its agents, or a hostile force, during a period of war; or

"(B) by a foreign government or its agents, or a hostile force, during a period other than a period of war in which such person was held under circumstances which the Administrator finds to have been comparable to the circumstances under which persons have generally been forcibly detained or interned by enemy governments during periods of war.".

(b) Clause (7) of section 612(b) is amended to read as follows:

"(7) from which a veteran who is a former prisoner of war and who was detained or interned for a period of not less than six months is suffering; or".

SEC. 4. (a) Section 312 is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b) and amending such subsection to read as follows:

"(b) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of a veteran who is a former prisoner of war and who was detained or interned for not less than thirty days, the disease of—

"(1) avitaminosis,

"(2) beriberi (including beriberi heart disease),

"(3) chronic dysentery,

"(4) helminthiasis,

"(5) malnutrition (incuding optic atrophy associated with malnutrition),

"(6) pellagra,

"(7) any other nutritional deficiency,

"(8) psychosis, or

"(9) any of the anxiety states,

which became manifest to a degree of 10 per centum or more after active military, naval, or air service shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service.".

(b) The amendments made by subsection (a) shall take effect on October 1, 1981.

SEC. 5. (a) Section 610(a) is amended—

(1) by striking out "and" at the end of clause (3);

(2) by redesignating clause (4) as clause (5); and

(3) by inserting after clause (3) the following new clause:

"(4) a veteran who is a former prisoner of war; and".

(b) Section 612(f) is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting after clause (2) the following new clause:

"(3) to any veteran who is a former prisoner of war.".

(c) Section 612(i) is amended—

(1) by redesignating clause (4) as clause (5); and

(2) by inserting after clause (3) the following new clause:

"(4) To any veteran who is a former prisoner of war.".

(d) The amendments made by this section shall take effect on October 1, 1981.

SEC. 6. (a) Not later than ninety days after the date of the enactment of this Act and at appropriate times thereafter, the Administrator shall, to the maximum extent feasible and in order to carry out the requirements of the veterans outreach services program under subchapter IV of chapter 3 of title 38, United States Code, seek out former prisoners of war and provide them with information regarding applicable changes in law, regulations, policies, guidelines, or other directives affecting the benefits and services to which former prisoners of war are entitled under such title by virtue of the amendments made by this Act.

(b)(1) The Administrator shall, for not less than the three-year period beginning ninety days after the date of the enactment of this Act, maintain a centralized record showing all claims for benefits under chapter 11 of such title that are submitted by former prisoners of war and the disposition of such claims.

(2) Not later than ninety days after the end of the three-year period described in paragraph (1), the Administrator shall, after consulting with and receiving the views of the Advisory Committee on Former Prisoners of War required to be established pursuant to section 221 of such title, submit a report on the results of the disposition of claims described in such paragraph, together with any comments or recommendations that the Administrator may have, to the appropriate committees of Congress. The Administrator may also submit to such committees interim reports on such results.

(c) For the purposes of this section, the term "former prisoner of war" has the meaning given such term in paragraph (32) of section 101 of title 38, United States Code (as added by section 3(a) of this Act).

In lieu of the amendment of the Senate to the title of the bill, amend the title so as to read: "An Act to amend title 38, United States Code, to improve certain benefit programs of the Veterans' Administration for veterans who are former prisoners of war, and for other purposes.".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments and the proposed House amendments to the Senate amendments be considered as read and printed in the RECORD.

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

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, under my reservation of objection I yield to the very able chairman of the Committee on Veterans' Affairs to explain exactly what our agreement is with the other body.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding, and I will be brief.

Mr. Speaker, on June 2, 1981, the House passed H.R. 1100, the Prisoner of War Benefits and Health-Care Services Act of 1981. The bill was passed by the Senate on June 4, with amendments.

There were a number of provisions in the House-passed bill which were either deleted or drastically modified by the Senate amendments. I am happy to say that we have resolved our differences and have retained the major parts of the bill.

Mr. Speaker, in the study by the Veterans' Administration mandated by Public Law 95-479, it was clearly demonstrated that one of the most common disabilities affecting former POW's was mental disorders. The VA, in its study, dated June 1980, concluded that—

A comparison of service-connected anxiety neurosis among former European Theater POW's * * * revealed that anxiety neurosis appears in a significantly greater amount among these former POW's than among other service-connected wartime veterans.

Prior to 1980, former POW's with mental disorders were not entitled to service-connected benefits unless the condition was either shown in service or within 2 years after discharge. The VA changed its policy last year for combat veterans, including POW's. The agency will grant service connection for post-traumatic stress neurosis if that disorder is diagnosed. In some cases this takes a long period of time to document. If implemented properly, this provision of the bill would allow the Veterans' Administration to grant service-connected benefits for most mental conditions attributable to former prisoners of war.

The barbaric experiences of American service men and women who were captured by the Japanese on Bataan and Corregidor will never be forgotten by those who survived the infamous death march.

The need to recognize that such events leave lasting marks was clearly demonstrated after thorough consideration of the VA study and of the records established during hearings last year and this year by the Veterans' Affairs Committee. Understandably, the House in approving H.R. 1100 as reported by the committee saw the need for a change to permit the VA to establish service connection for the residual effects of their period of captivity. The House-passed bill would have provided service connection for psychosis, psychoneurosis and psychophysiologic disorders regardless of when they were first shown to exist. The Senate amendments deleted psychoneurosis and psychophysiologic conditions. The compromise agreement to include psychosis, and anxiety states including post-traumatic stress disorder represents the best we could work out with the other body. While these will cover the majority of the mental disorders related to the ordeals suffered by POW's, I am certain that we can expect to hear of some worthy cases which will "fall in the cracks" and not be service connected by the Veterans' Administration. I will expect the advisory committee established under this bill to carefully monitor the claims processing of the VA regional offices and make appropriate recommendations to the Administrator and to the Congress if they see the need for changes in either VA policy or law.

Another House provision deleted by the Senate but restored in the compromise agreement will provide outpatient treatment for all disabilities of former POW's. This was probably the benefit most sought by the former POW's who believe that their ordeals of captivity contribute significantly to what they describe as premature aging. The Veterans' Administration study included this legislative recommendation.

Former prisoners of war will now be able to receive outpatient and inpatient medical treatment on a priority basis. Many prisoners of war who apply to the VA for treatment have been routinely deferred because they have not established that their medical problems are service connected. These veterans, especially those who suffered starvation and torture at the hands of the Japanese during World War II believe that the hardships they endured then may well be the cause of their bad health today and it has often been demonstrated that many of these conditions appearing late in life are found to be service connected, either through the operation of presumptions or simply based upon the facts of the situation. This provision, therefore, would provide prima facie entitlement to prompt medical care and services since delays in treatment are often prejudicial to these individuals' health.

The agreement also provides for a reduction from 6 months to 30 days internment for a finding of malnutrition. Current law provides such presumption only if the prisoner of war was incarcerated for 6 months. Though dietary deficiencies are clearly a function of time and malnourishment, medical evidence reveals that a person can suffer from malnutrition in less than 6 months. diseases incurred as a result of malnutrition are: avitaminosis; beriberi, including beriberi heart disease; chronic dysentery; helminthiasis; optic atrophy associated with malnutrition; and pellagra.

I am pleased that the bill redefines the term "prisoner of war" to include persons who, during active service during a period other than a period of war are held under circumstances that the Administrator finds comparable to circumstances involved in internment during a period of war. This would include the hostages of the U.S.S. *Pueblo* and other related incidents. In addition, section 612(b)(7) relating to certain dental benefits would be

changed to conform to the new definition.

The Senate amendments call for reports from the Veterans' Administration over the next 3 years on the disposition of claims adjudicated under this act. In this manner, the advisory committee and the Veterans' Affairs Committees of the Congress can effectively monitor the actions of the agency in the implementation of the liberalization. In this manner, any need for modification in either the VA policy or the statute can be identified promptly.

In addition, the administration would be required to seek out former POW's affected by the provisions of this act and provide them with information regarding applicable changes in law, regulations, policies, guidelines, or other directives affecting the benefits to which they are entitled.

A Senate amendment would have provided that a reopened claim under the provisions of this act be treated as an original claim. Because existing law on reopened claims is more beneficial under these circumstances, the compromise agreement deletes this amendment.

Mr. Speaker, this Nation owes a great debt to our former servicemen who defended their Nation in time of peril. We owe a special debt to those combat veterans who were captured by the enemy and suffered indescribable brutality and torture at the hand of their captors. Many of them attempted to make an adjustment to civilian life after their release from captivity and from service and did not contact the VA for help until many years later. The fact that they did not seek assistance soon after the war has actually worked to their detriment in establishing that their physical and mental problems are the result of their service. This bill will go a long way toward overcoming this hurdle. It will make sure that they receive any needed medical care and that they are compensated for the delayed mental problems they are now experiencing.

Mr. Speaker, the Congressional Budget Office has informed us that the cost of the proposed amendments are within the targets contained in the first congressional budget resolution.

I strongly urge my colleagues to support this bill.

There follows a detailed explanation of the agreement reached with the other body on H.R. 1100:

H.R. 1100, THE "FORMER PRISONER OF WAR BENEFITS ACT OF 1981"—EXPLANATORY STATEMENT

ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR

Both the House bill and the Senate amendment would amend chapter 3 of title 38, United States Code, to add a new section 221 providing for the establishment of an Advisory Committee on Former Prisoners of War. The House bill would provide that the Administrator may establish an Advisory Committee and that the membership of such an Advisory Committee would include former POW's from World War II, the Korean conflict, and the Vietnam era, as well as recognized authorities in such fields as psychiatry, psychology, internal medicine, nutrition, and epidemiology; officials of other executive departments and agencies could also be included. The Advisory Committee would meet on a regular basis as prescribed by the Administrator and would submit reports to the Administrator at least once every two years.

The Senate amendment would require the Administrator to establish an Advisory Committee and provide that the membership would serve for terms to be determined by the Administrator and comprise appropriate representatives of former POW's individuals who are recognized authorities in fields pertinent to disabilities prevalent among former POW's, including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine, appropriate representatives of disabled veterans, and, as ex officio members, the Chief Medical Director and the Chief Benefits Director, or their designees. The Administrator would be required, on a regular basis, to consult with and seek the advice of the Advisory Committee with respect to the administration of benefits to former POW's and the needs of such veterans for compensation, health care, and rehabilitation. The Advisory Committee would be required to submit the report to the Congress; the first biennual report would be due no later than July 1, 1982, and subsequent reports would be due by July 1 of each even-numbered year thereafter. The advisory Committee would be authorized to submit additional reports and recommendations to the Administrator, and the Administrator would be required to include a summary of such additional reports and recommendations in the Administrator's annual report.

The House recedes with an amendment which provides that the first biennual report would be submitted to the Congress no later than July 1, 1983, and that subsequent biennual reports would be due by July 1 of each second year thereafter.

DEFINITION OF FORMER PRISONER OF WAR

The Senate amendment, but not the House bill, would amend section 101 of title 38 to add a definition, for the purposes of that title, of the term "Prisoner of war" to include persons who, during active service during a period other than a period of war are held under circumstances that the Administrator finds comparable to circumstances involved in internment during a period of war and would amend section 612(b)(7), relating to certain dental benefits, to conform to the new definition.

The House recedes with an amendment changing the term defined to "former prisoner of war" and making technical corrections.

IMPROVEMENTS RELATING TO VA COMPENSATION

Both the House bill and the Senate amendment would amend section 312 of title 38, relating to presumptions of service connection for certain disabilities of former prisoners of war, to reduce the minimum internment period required for the automatic application, in certain circumstances, of presumptions relating to certain diseases that generally result from dietary problems and to psychoses. The House bill would reduce the minimum internment period from 6 months to 60 days. The Senate amendment would reduce that period from 6 months to 30 days in the case of the diseases resulting from dietary problems and would eliminate the length-of-internment requirement with respect to psychosis.

The compromise agreement provides for a 30-day minimum internment requirement in the case of all presumptions.

Both the House bill and the Senate amendment would further amend section 312 to eliminate the requirement that in order to be presumed service connected a psychosis must become manifest within two years of release from active duty.

The compromise agreement contains this provision.

The House bill, but not the Senate amendment, would further amend section 312 to add psychoneuroses and psychophysiologic disorders to the disorders to which specific presumptions apply and provide for those disorders to be dealt with in the same manner as psychoses.

The Senate recedes with an amendment adding any of the anxiety states (including post-traumatic stress neurosis), instead of psychoneuroses and psychophysiologic disorders, to the disorders to which the presumptions (modified as noted above) would apply. The Committees intend that the term "anxiety states" have the meaning prescribed under the heading "Anxiety States (or Anxiety Neuroses)" in the Diagnostic and Statistical Manual of Mental Disorders (Third Edition), published by the American Psychiatric Association (pp. 230–239) and, in the event that a subsequent edition of that manual does not contain such a heading, the meaning that is provided in the subsequent edition for a category of disorders that the Administrator determines to be the corresponding category.

The Senate amendment, but not the House bill, would amend further section 312 to eliminate the two-step procedure for the application of the presumptions of service connection.

The House recedes.

IMPROVEMENTS RELATED TO VA HEALTH CARE

Both the House bill and the Senate amendment, with technical differences, would amend section 610(a) of title 38, relating to Veterans' Administration health-care eligibility, to provide former POW's with eligibility for hospital and nursing home care, prehospital and post-hosptial outpatient care, and outpatient care that would obviate a need for hospitalization.

The compromise agreement contains such a provision.

The House bill, but not the Senate amendment, would amend section 612(f), relating specifically to eligibility for outpatient care, to provide former POW's with eligibility—which would not be provided through the above-mentioned amendment to section 610(a)—for VA outpatient health-care services for any disability.

The Senate recedes.

Both the House bill and the Senate amendment would amend section 612(i) of title 38, relating to priorities for VA health care, to place former POW's whose disabilities have not been determined to be service connected in a priority category (in the third priority in the House bill and in a new fourth priority in the Senate amendment) for outpatient care ahead of all other veterans who have no service-connected disabilities.

The House recedes.

REQUIREMENTS FOR ADDITIONAL STUDY AND OUTREACH

The Senate amendment, but not the House bill, would require the Administrator to conduct and submit to the Congress by December 31, 1982, a further, limited study—following up on certain questions not answered by the study conducted pursuant to Public Law 95-479—of specific physical and mental disabilities prevalent among former POW's and denials of claims from former POW's for service-connected disability compensation in order to determine whether additional presumptions should be established and eligibility for health-care benefits should be expanded.

The compromise agreement would require the Administrator, for not less than a three-year period beginning ninety days after the date of enactment, to maintain a centralized record of all claims of former POW's for disability compensation and of the disposition of such claims. The committees expect that this record would include—to the extent the information can reasonably be discerned from the claims files—a description of each disability for which benefits are claimed, the rating claimed, a statement as to whether the disability is claimed to be a result of the veteran's internment, and the disposition of the claim at each level of adjudication with respect to the issues of both service connection and degree of disability. The Committees further expect that prior to establishing the process for maintaining the centralized record, the Administrator would consult with the new Advisory Committee on Former Prisoners of War, discussed above, so as to take into account that Committee's views on how best to collect and record the required information and on any information or data that such Committee may desire.

Ninety days after the expiration of the three-year data-collection period, the Administrator would be required to submit a final report on the results of the disposition of such claims, together with any recommendations that the Administrator may have, to the appropriate committees of the Congress. The Administrator would also have the authority to submit interim reports on such results, and the committees would expect the Administrator to submit such reports when there is meaningful data to report.

The Senate amendment, but not the House bill, would permit a former POW whose claim for disability compensation based on a mental disorder had been denied prior to January 1, 1981, to file a new claim that would for all purposes to be considered as an original claim.

The Senate recedes.

The Senate amendment, but not the House bill, would require the Administrator, to the maximum extent feasible and in order to carry out the requirements of subchapter IV of chapter 3 of title 38, relating to outreach programs, to seek out and provide information to the former POW's who would be afforded the opportunity to re-file a claim for disability compensation based on a mental disorder.

The compromise agreement (in connection with the record of claims described above) would require the Administrator, no later than ninety days following enactment of this Act and at appropriate times thereafter, to seek out former POW's affected by the provisions of this Act and provide them with information regarding applicable changes in law, regulations, policies, guidelines, or other directives affecting the benefits to which they are entitled.

EFFECTIVE DATES

The House bill provides that the provisions relating to compensation and health care would be effective October 1, 1981; the other provisions, those relating to the proposed Advisory Committee, would take effect on the date of enactment. The Senate amendment provides that the provisions of the bill would, except for the provisions relating to compensation, which would be effective on October 1, 1981, take effect on the date of enactment.

The compromise agreement would provide that, except for the provisions relating to compensation and health care, which would be effective on October 1, 1981, the provisions of the bill take effect on the date of enactment.

CHANGES IN EXISTING LAW MADE BY COMPROMISE AGREEMENT ON H.R. 1100

Changes in existing law made by the compromise agreement on H.R. 1100 are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 38—UNITED STATES CODE

* * * * *

PART I—GENERAL PROVISIONS

* * * * *

CHAPTER 1—GENERAL

* * * * *

§ 101. Definitions

For the purposes of this title—

(1) * * *

* * * * *

(32) The term "former prisoner of war" means a person who, while serving in the active military, naval or air service, was forcibly detained or interned in line of duty—

(A) by an enemy government or its agents, or a hostile force, during a period of war; or

(B) by a foreign government or its agent, or a hostile force, during a period other than a period of war in which such person was held under circumstances which the Administrator finds to have been comparable to the circumstances under which persons have generally been forcibly detained or interned by enemy governments during periods of war.

* * * * *

CHAPTER 3—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

* * * * *

SUBCHAPTER II—ADMINISTRATOR OF VETERANS' AFFAIRS

210. Appointment and general authority of Administrator; Deputy Administrator.
211. Decisions by Administrator; opinions of Attorney General.
212. Delegation of authority and assignment of duties.
213. Contracts and personal services.
214. Report to the Congress.
215. Publication of laws relating to veterans.
217. Studies of rehabilitation of disabled persons.
218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations.
219. Evaluation and data collection.
220. Coordination and promotion of other Federal programs affecting veterans and their dependents.
221. Advisory Committee on Former Prisoners of War.

* * * * *

§ 221. Advisory Committee on Former Prisoners of War

(a)(1) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Former Prisoners of War (hereinafter in this section referred to as the "Committee").

(2) The members of the Committee shall be appointed by the Administrator from the general public and shall include—

(A) appropriate representatives of veterans who are former prisoners of war;

(B) individuals who are recognized authorities in fields pertinent to disabilities prevalent among former prisoners of war, including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine; and

(C) appropriate representatives of disabled veterans.

The Committee shall also include, as ex officio members, the Chief Medical Director and the Chief Benefits Director, or their designees.

(3) The Administrator shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Administrator, except that the term of service of any such member may not exceed three years.

(b) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits under this title for veterans who are former prisoners of war and the needs of such veterans with respect to compensation, health care, and rehabilitation.

(c) Not later than July 1, 1983, and not later than July 1 of each second year thereafter, the Committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration that pertain to veterans who are former prisoners of war. The Committee shall include in each such report an assessment of the needs of such veterans with respect to compensation, health care, and rehabilitation, a review of the programs and activities of the Veterans' Administration designed to meet such needs, and such recommendations (including recommendation for administrative and legislative action) as the Committee considers to be appropriate. The Administrator shall immediately submit such report to the Congress with any comments concerning the report that the Administrator considers appropriate. The Committee may also submit to the Administrator such other reports and recommendations as the Committee considers appropriate. The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a summary of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator submitted to the Congress pursuant to such section.

* * * * *

PART II—GENERAL BENEFITS

* * * * *

CHAPTER 11—COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

* * * * *

SUBCHAPTER II—WARTIME DISABILITY COMPENSATION

* * * * *

§ 312. Presumptions relating to certain diseases and disabilities

(a) For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, in the case of any veteran who served for ninety days or more during a period of war—

(1) a chronic disease becoming manifest to a degree of 10 per centum or more within one year from the date of separation from such service;

(2) a tropical disease, and the resultant disorders or disease originating because of therapy, administered in connection with such diseases, or as a preventative thereof, becoming manifest to a degree of 10 per centum or more within one year from the date of separation from such service, or at a time when standard or accepted treatises indicate that the incubation period thereof commenced during such service;

(3) active tuberculosis disease developing a 10 per centum degree of disability or more within three years from the date of separation from such service;

(4) multiple sclerosis developing a 10 per centum degree of disability or more within seven years from the date of separation from such service;

(5) Hansen's disease developing a 10 per centum degree of disability or more within three years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding there is no record of evidence of such disease during the period of service.

[(b) For the purposes of subsection (c) of this section, any veteran who, while serving in the active military, naval, or air service, was held as a prisoner of war for not less than six months by the Imperial Japanese Government or the German Government during World War II, by the Government of North Korea during the Korean conflict, or by the Government of North Korea, the Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, shall be deemed to have suffered from dietary deficiencies, forced labor, or inhumane treatment in violation of the terms of the Geneva Conventions of July 27, 1929, and August 12, 1949.]

[(c)] *(b)* For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of [any veteran who, while serving in the active military, naval, or air service and while held as a prisoner of war by an enemy government, or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Conventions of July 27, 1929, and August 12, 1949)] *a veteran who is a former prisoner of war and who was detained or interned for not less than thirty days,* the disease of—

[(1) Avitaminosis, beriberi (including beriberi heart disease), chronic dysentery, helminthiasis, malnutrition (including optic atrophy associated with malnutrition), pellagra, or any other nutritional deficiency,

[which became manifest to a degree of 10 per centum or more after such service; or

[(2) Psychosis which became manifest to a degree of 10 per centum or more within two years from the date of separation from such service;]

(1) avitaminosis,

(2) beriberi (including beriberi heart disease),

(3) chronic dysentery,

(4) helminthiasis,

(5) malnutrition (including optic atrophy associated with malnutrition),

(6) pellagra,

(7) any other nutritional deficiency,

(8) psychosis, or

(9) any of the anxiety states,

which became manifest to a degree of 10 per centum or more after active military, naval, or air service, shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service.

* * * * *

CHAPTER 17—HOSPITAL, NURSING HOME, DOMICILIARY, AND MEDICAL CARE

* * * * *

SUBCHAPTER II—HOSPITAL, NURSING HOME OR DOMICILIARY CARE AND MEDICAL TREATMENT

§ 610. Eligibility for hospital nursing home and domiciliary care

(a) The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care or nursing home care which the Administrator determines is needed to—

(1)(A) any veteran for a service-connected disability; or (B) any veteran for a non-service-connected disability if such veteran is unable to defray the expenses of necessary hospital or nursing home care;

(2) a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty;

(3) a person who is in receipt of, or but for the receipt of retirement pay would be entitled to, disability compensation; [and]

(4) a veteran who is a former prisoner of war; and

[4] (5) any veteran for a non-service-connected disability if such veteran is sixty-five years of age or older.

* * * * *

§ 612. Eligibility for medical treatment

(a) * * *

* * * * *

(b) Outpatient dental services and treatment, and related dental appliances, shall be furnished under this section only for a dental condition or disability—

(1) which is service-connected and compensable in degree;

(2) which is service-connected, but not compensable in degree, but only (A) if it is shown to have been in existence at time of discharge or release from active military, naval, or air service and (B) if application for treatment is made within one year after such discharge or release, except that if a disqualifying discharge or release has been corrected by competent authority, application may be made within one year after the date of correction or date of enactment of this exception, whichever is later;

(3) which is a service-connected dental condition or disability due to combat wounds or other service trauma, or of a former prisoner of war;

(4) which is associated with and is aggravating a disability resulting from some other disease or injury which was incurred in or aggravated by active military, naval, or air service;

(5) which is a non-service-connected condition or disability of a veteran for which treatment was begun while such veteran was receiving hospital care under this chapter and such services and treatment are reasonably necessary to complete such treatment;

(6) from which a veteran of the Spanish-American War or Indian Wars is suffering;

(7) from which [any] *a* veteran [of World War I, World War II, the Korean conflict, or the Vietnam era] *who is a former prisoner of war and* who was [held as a prisoner of war] *detained or interned* for a period of not less than six months is suffering; or

(8) from which a veteran who has a service-connected disability rated as total is suffering.

* * * * *

(f) The Administrator, within the limits of Veterans' Administration facilities, may furnish medical services for any disability on an outpatient or ambulatory basis—

(1) to any veteran eligible for hospital care under section 610 of this title (A) where such services are reasonably necessary in preparation for, or (to the extent that the facilities are available) to obviate the need of, hospital admission, or (B) where such a veteran has been furnished hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care (for a period not in excess of twelve months after discharge from in-hospital treatment, except where the Administrator finds that a longer period is required by virtue of the disability being treated); [and]

(2) to any veteran who has a service-connected disability rated at 50 per centum or more[.] *; and*

(3) to any veteran who is a former prisoner of war.

The Administrator may also furnish to any such veteran such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran (including only such improvements and structural alterations the cost of which does not exceed $600 or reimbursement up to such amount) as are necessary to assure the continuation of treatment or provide access to the home or to essential lavatory and sanitary facilities. The Administrator may also furnish outpatient dental services and treatment, and related appliances, to any veteran described in subsection (b)(7) of this section.

* * * * *

(i) Not later than ninety days after the effective date of this subsection, the Administrator shall prescribe regulations to ensure that special priority in furnishing medical services under this section and any other outpatient care with funds appropriated for the medical care of veterans shall be accord-

ed in the following order, unless compelling medical reasons require that such care be provided more expeditiously:

(1) To any veteran for a service-connected disability.

(2) To any veteran described in subsection (f)(2) of this section.

(3) To any veteran with a disability rated as service-connected (including any veteran being examined to determine the existence or rating of a service-connected disability).

(4) To any veteran who is a former prisoner of war.

[(4)] (5) To any veteran being furnished medical services under subsection (g) of this section.

* * * * *

Mr. HAMMERSCHMIDT. Further reserving the right to object, Mr. Speaker, I am pleased that we have reached agreement with the other body on H.R. 1100. Many former prisoners of war have waited a long time to receive the benefits allowed by this bill.

I am also pleased that our agreement provides that almost all of the provisions that were in the original House-passed version of H.R. 1100 have been retained. Those provisions have already been explained by the distinguished chairman of our committee, Mr. MONTGOMERY, and I need not repeat what he has said. The chairman and I are in complete agreement.

Mr. Speaker, malnutrition, anxiety, other mental illnesses, premature aging, and other conditions are often the common lot of former prisoners of war. It is often many years after incarceration that the disabilities become apparent. H.R. 1100 recognizes this and provides that any condition—no matter when it may occur—which these individuals may have—may be treated by the Veterans' Administration on a priority basis, the bill also provides a presumption that many mental conditions of former POW's—again, no matter when they occur—were incurred during their military service and therefore compensation may be paid for such conditions.

Mr. Speaker, this is a good bill and I urge my colleagues to support it.

I withdraw my objection, Mr. Speaker, and I thank the gentleman from Mississippi for his explanations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi that the amendments be considered as read and printed in the RECORD?

There was no objection.

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

There was no objection.

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 on the legislation just considered.

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

There was no objection.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION, 1982

Mr. ROYBAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4121) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1982, and for other purposes.

GENERAL LEAVE

Pending that motion, 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.

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

There was no objection.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4121, with Mr. STUDDS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 28, 1981, the Clerk had read through line 24 on page 5.

Are there further amendments to this paragraph?

AMENDMENT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Ohio: On page 5, after line 24, insert:

For necessary expenses connected with any public-debt issues of the United States, in addition to the amount appropriated in the preceding paragraph, $13,500,000.

□ 1110

Mr. MILLER of Ohio. Mr. Chairman, this amendment is a very basic amendment and it states "for necessary expenses connected with any public debt issues of the United States in addition to the amount appropriated in the preceding paragraph, $13,500,000."

What it does is restore funds for the Savings Bond Division. We have information that the Savings Bond Division of the Treasury Department has been very helpful. The arguments used earlier in order to delete from the total amount the appropriation for administration of the Savings Bond Division of the Treasury, in some cases, were very misleading.

There are advantages to savings bonds and without the Savings Bond Division of Treasury we would not have $7 billion of savings bonds sold each year.

The fact that the payroll savings and bond-a-month plans make regular purchases of savings bonds is an automatic and an effective way to save in amounts that can be tailored to any budget. In other words, there are many, many people who are buying savings bonds that do not have $10,000 to purchase a Treasury bill, but it is a place to start. And the interest at the present time, held to maturity, is 9 percent.

We have statements indicating that many people cash in their bonds. Well, under the system they cannot cash in those bonds for 6 months after purchase. So it means that the bonds are worthwhile and, as a matter of fact, they saved the Federal Government about $12 billion in interest in the last 10 years.

It is very important that we have this particular amendment approved, and I offer the amendment along with the gentleman from South Carolina (Mr. CAMPBELL) and the gentleman from New York (Mr. GILMAN).

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

Mr. MILLER of Ohio. I yield to the gentleman from South Carolina.

Mr. CAMPBELL. I thank the gentleman for yielding.

I rise in support of this amendment.

I think that it is important to note that we struck Tuesday $13.575 million for the promotion of the sales of U.S. savings bonds. Well, the differential in the cost to the taxpayers of this country, if we did not have the savings bond program, would be $2.8 billion, if we took the difference in the average current Treasury notes out today and the savings bond rate. So, we are being very penny-wise and pound-foolish to talk of stopping the promotion of a program that in effect gives us $2.8 billion in savings to the taxpayer under the current average rate of the Treasury notes.

I think it is also very important to look at the fact, as the gentleman from Ohio (Mr. MILLER) has stated, that over $12 billion was saved during the last 10 years under this program.

Now, beyond that, I think that we can look at the fact that the cost of promotion of this program is only four-tenths of 1 percent of what the program itself is. It is well worth it. There is no question about it.

If we go on into it and recognize that the average amount of savings bonds outstanding in fiscal year 1980 was $76.5 billion, then we look at the enormity of the program that some are trying to stop the promotion of.

The question is, if we do stop the promotion of the savings bond program, are we prepared then to go back and look at the raising of $2.8 billion in revenues should the program die out. Or, are we prepared to cut spending that much more?

I think that we should also look at the fact that cash raised through savings bonds reduces the amount of borrowing that must be done by the Treasury in the open market, which in turn reduces inflation pressures on market interest rates, and we are all concerned with bringing interest rates down.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. MILLER) has expired.

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

Mr. CAMPBELL. Will the gentleman continue to yield? Now, when we are looking at the savings bond history, let us look at the 1970's, not at the current aberration we have in the market. The fact is they were a good investment at one time for that small saver, because that small saver was not saving under any other instruments.

We took the time to look at the fact that this vehicle was designed to provide a means to accumulate enough money to either buy something or reinvest in another instrument.

We also looked at how that person who invested a small amount in the stock market vis-a-vis the savings bonds in the 1970's did, and I can tell my colleagues he or she did better in savings bonds.

We are about to wipe something out in the name of fiscal austerity that in fact is a vehicle for many Americans to save.

Beyond that, we are about to cost the taxpayers a whole lot of money in doing it. This is false economy. There is no question about it. I think we need to continue promoting the program, and I support the amendment offered by my colleague from Ohio. I ask that the Members of this House recognize the seriousness of what we are about to do.

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

Mr. MILLER of Ohio. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of the Miller amendment, which would reverse the ill-advised—and ill-informed—vote taken earlier in the debate of this measure which deleted most of the moneys provided in this bill for the promotion of U.S. savings bonds.

The proponent of the earlier amendment, the gentlelady from Colorado (Mrs. SCHROEDER), made a number of statements that were apparently in error.

The important issue which we must bear in mind is that the savings bond program is a thrift program, which needs to be promoted, and which pays benefits in other than direct financial terms—mainly by promoting thrift and allowing the accumulation of capital which can be invested in other vehicles. If there is any question concerning the effectiveness of the savings bond program, we should fully examine it in committee—this kind of back-door approach.

Mr. Chairman, if the entire budget of the Savings Bond Division were spent for raising the interest rate on savings bonds, the interest rate would go up by only two one-hundreths of 1 percent. I believe that this program should be given an adequate opportunity to further prove itself in an improved economy because all indications are that in an era of what we hope will be reduced inflation and interest rates, these savings bonds will become a more and more attractive means of putting aside money.

We should also bear in mind that the savings bond program is cost-effective. If the Government had to raise these moneys through the sales of Treasury bills and notes, interest costs would be higher, as would be the deficit. The difference between the savings bond interest rate and the general Government interest rate is now 3.8 percent. This differential resulted in an actual cash saving to the Treasury and the taxpayers of nearly $2.8 billion in fiscal year 1980. It should be noted during the decade of the seventies the savings bond program saved the Government over $12 billion.

Accordingly, I urge my colleagues to reverse our previous action. By doing so, we will be saving the Treasury money—we will be providing our constituents ready access to information that will permit them to choose, if they so desire, to invest in these bonds and get into the habit of saving. For the savings bond program to be effective, it is essential that small savers be kept informed about the program.

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

Mr. MILLER of Ohio. I yield to the gentleman from California.

Mr. STARK. I thank the gentleman for yielding.

Mr. Chairman, I do have some problems both in the question of not only the fiscal austerity, which the gentleman's party has been so successful in promoting, but the problem with savings bonds.

As the gentleman knows, I have opposed them for years and have fought to raise the rates because we take that savings out of the hide of the poorest people in this country. We embarrass them into buying savings bonds. Any of us who has ever been in the military, as I have, knows that you were embarrassed by your superior officers, your names were posted if you did not sign up, and you bought them, and as soon as you could cash them, you cashed them in because you could not afford to carry them.

We are offering 8 percent in the name of patriotism.

We just passed yesterday a bill which offers 10 or 11 percent tax free in a savings and loan. Why? Why should we ask the poorest of the poor in this country to take 8 percent? We are offering major corporations 10, 15 percent, on Treasury bills. Here we are asking people in the name of patriotism, who can least afford to live on their meager income, to support us.

□ 1120

I think if we pay a reasonable rate, if we get up and offer them Treasury bills in modest amounts, we will have part of the people lining up to buy those certificates, as the money markets have indicated. Free enterprise and free market system will bring savers to the market, but to try and promote with phony advertising in the name of so-called patriotism to get the poor people to support a debt we ought to carry and that bankers ought to be able to carry in the normal course of debt management in this country, I think, is a hoax on the American public and we ought to have no part in perpetuating it. If the gentleman can explain to me why a savings bond is a good investment today, I would be glad to change my mind.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(At the request of Mr. STARK and by unanimous consent, Mr. MILLER of Ohio was allowed to proceed for 3 additional minutes.)

Mr. STARK. If anybody who offers the amendment and supports it can illustrate to me where the savings bond investment today has any advantage over passbook savings or over the certificates offered by a variety of savings and thrift institutions of this country, both guaranteed by the Government, I might be inclined to change my mind, but I submit that you cannot make a silk purse out of a sow's ear even if we spend the extra $15 million. Why kid the American public?

I thank the gentleman for yielding to me.

Mr. MILLER of Ohio. I would like to explain a few points. One, the rate of interest on savings bonds is not 8 percent; it is 9 percent.

Mr. STARK. The amount on the tax-free bonds is closer to 11 percent.

Mr. MILLER of Ohio. Tax free, and U.S. savings bonds are tax free as far as State and local taxes are concerned.

Mr. STARK. But not Federal taxes, as the gentleman well knows.

Mr. MILLER of Ohio. That is correct. Now, if we wanted to change that interest rate, it is the responsibility of the Congress to give the authority to the administration to raise the rate. It has been increased as much as the law will allow. We have that responsibility because we have many people, as I stated earlier, that do not have $10,000 to invest, and if they have a way to at least invest $50 or $100 a month, they are better off. They are at least saving, and we have many, many people who would like to continue to do that. They need to know about it, and this appropriation that we are attempting to restore would allow those people to have the communication with the Treasury Department so that they could have the deductions made.

It is an easy way to save. Not only that, the rate is higher than what they would receive at a commercial bank with a passbook. They will not receive the 9 percent, so therefore it is better.

Mr. STARK. If the gentleman would yield further, a passbook is available on a daily basis, and interest is paid daily. As the gentleman knows, on a savings bond there is a penalty, or they cannot be redeemed on an early date, so you are doing short-term cash management. About 90 percent of the savings bonds sold are cashed in within the first year. This proves that many are sold to people who cannot afford to hold them. I would agree if we could raise the interest rate on savings to the average Treasury bill rate, the gentleman would receive no quarrel from me. We would not have to have all this advertising to promote them, they would be a darn good buy.

My point is, we are promoting something that is a second-rate security to people who do not have the financial sophistication of the gentleman from Ohio. That seems to me to be unfair. We ought to have truthful advertising.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(At the request of Mr. FRENZEL and by unanimous consent, Mr. MILLER of Ohio was allowed to proceed for 3 additional minutes.)

Mr. MILLER of Ohio. I would like to comment on what the gentleman has said about 90 percent of the savings bonds being cashed in within the first year. We have information from a study that was made that shows that bonds may not be cashed before 6 months. That is the new ruling, and the latest study indicates that on average only about 11 percent of the bonds sold are cashed at the end of 6 months. So, there is a lot of misleading information that is coming out and we need to get the record straight in that area.

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

Mr. MILLER of Ohio. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding. I think the reason that people buy these savings bonds is that they find them a convenient method of saving money. People who are saving through these bonds are usually doing it in small amounts. They are doing it as a means to force savings programs upon themselves that they might not be able to handle in any other way.

We have made, under the tax bill passed yesterday, a new certificate available to savers which will be tax-free. We have, of course, Treasury bills for a little grander class of saver.

It seems to me that it is good to have this choice in the marketplace. People can take whichever form of asset they want to buy that fits their needs best. Some need forced savings, some a maximum return, and each should have that choice in the marketplace.

But what the Government gets from the bond program is a means whereby it is able to expand the amount of long-term debt within the U.S. debt management portfolio. We are able to sell bonds despite the very low interest rate partly because we encourage corporations to use their shareholders' money, shared by some of the taxpayers' money, in terms of deductibility, to promote these programs to their employees, and to institute payroll deductions.

As the gentleman from South Carolina pointed out, this gives us a much lower overall interest rate, and if we do not pass the Miller-Campbell-Gilman amendment, we will cost the taxpayers significant extra sums in interest paid. I think the House made a mistake when it passed the Schroeder amendment previously. I think we can undo that by passing the gentleman's amendment.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is no doubt about the fact that there are good arguments on both sides. In fact, we just finished hearing those arguments. But the truth of the matter is that in the presentation that was made at the time that the Schroeder amendment was passed, that there were various arguments given that also made a tremendous amount of sense.

First of all, we were told that this would only affect those promoters that went out promoting the sales of bonds, those individuals who traveled throughout the country meeting with various executives, heads of companies that could be induced into promoting the sale of bonds with their personnel.

Then, we were also told that their efficiency rate is quite low, that there has been a drop in the sale of bonds of appoximately 40 percent, therefore indicating that the participation on the part of the employee was no longer at the same rate or the same level as in the past.

Then, we were also told that the sales mechanism for the sale of the bond would not be touched with that amendment, that they could continue to sell bonds just the same as they are doing at the present time without having the promoters going out throughout the country, meeting with executives, promoting the sale of bonds.

Then, we were also told that—perhaps it would be better if I read this: "We were told that bonds paid 5 percent initially, 7.5 percent after 5 years, and 9 percent after 8 years."

This means that the individual, in order to get the 9 percent, would have to leave his money in for 9 years. Now, with the 60-day money market funds now selling for 17¾-percent interest, the argument went on that it was nearly impossible to sell these bonds.

Then, we were also told that it was a downright fraud committed on the unsuspecting citizens by their own Government.

Now, all of these are convincing arguments. Now, we are also told, and we already know, that the bill passed yesterday did in fact contain new incentives for people putting money in savings and loans, and that they would do quite well tax-exempt. This, of course, would make the initiative on selling bonds even more difficult.

□ 1130

I think that the main argument that we must consider at this particular time is the fact that the House has already worked its will. A vote was taken on this issue the day before yesterday. It seems to me that the best way to do anything about the situation would be perhaps to get a separate vote on the same issue when we go into the House instead of trying to reverse it at the present time.

So I sincerely hope, Mr. Chairman, that a vote will not be taken on this issue, because a vote has already been recorded, and I ask the House not to join in approval of this amendment.

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

Mr. Chairman, I want to thank the gentleman from California (Mr. ROYBAL), who is chairman of the subcommittee, for his explanation.

This is very important to understand. The House did vote on this issue. I think a lot of the issues we are hearing from the other side are not the issues before the House at all. The issue in front of the House is whether we are going to use 426 people who do

not sell—I underline "do not sell"—but, rather, travel around the country promoting savings bonds.

I think it would be nice for them to promote them, if we had nothing else for Federal employees to do, but when we know what we know about the interest rate, it is very hard to promote effectively that type of security at this time and in this day and age when we are cutting frills, this is one we should cut.

I chair the Civil Service Subcommittee, and I know how very precious slots are in the Federal Government and how many jobs need to be done such as Immigration and Customs that are going undone because we do not have enough people to put in those slots. Therefore, although I would like to be able to have people do all sorts of things, nevertheless because of the limits, we are saying this is something we should do away with.

We have seen the number of sales fall off significantly, almost 40 percent. I suppose in one way we could turn around and say, "Well, that is because they have not been promoting well enough." I am not sure there is anything they could do that would promote savings bonds with the market as it is now.

This does not stop the sale of savings bonds. Employers tend to be the main ones who do this anyway. They offer them as a service, they offer them in the private sector, and this does not stop them from doing that at all. The people who sell them and the people who redeem them will still remain in the Treasury, working in the Government, and the private sector can continue to promote them.

Finally, we left the money in for advertising, and a lot of advertising is free. So I think what we are talking about is that in this kind of economy we have to look at everything with a new look, we have to find the things that are productive, we have to find the things that are working, and we have to go out and do some things that we might not do if things had not changed so rapidly.

So I implore the House to stay with its position. I think that the real issue is whether we want 426 people promoting bonds. It really is, I think, a frill, and a frill that we cannot afford right at this moment.

So I say to the Members, please do not get distracted by the savings and the interest rate issue. That is not what this is really about. It is about civil service slots, Government numbers, and the critical things that we need people to do. Promotion is not critical.

Mr. Chairman, I hope that we will move along and not redo everything that we did on the bill last Tuesday when we met.

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

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

Mr. CAMPBELL. I am glad to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to thank the gentleman for yielding, and I rise in strong support of this amendment.

There are 7 million people out there who are buying savings bonds. I remember as a kid that is how I learned to save when I was in school. I think it was about 25 cents a week that we would purchase a savings stamp, when we had accumulated the necessary amount, we would be given a savings bond.

If the banks cannot pay the same interest rates as Treasury notes, then should we pass a law here outlawing the savings bank accounts? This is ridiculous. There is no logic to it at all.

The Government makes some money on this. It is not a question of what they make. It is a question that it teaches people how to save, and if people who are patriotic want to buy savings bonds, what is wrong with that?

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

Mr. CAMPBELL. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I agree with the gentleman from Massachusetts, there is nothing wrong with being patriotic and buying bonds. We salute people who do that, and we are not touching that. We are not touching that issue at all.

Savings bonds are not being eliminated by this amendment. The people who are selling them are not being eliminated. All the amendment effects is promotion; this is about 426 people who travel around pushing savings bonds.

Mr. CAMPBELL. Mr. Chairman, if I may, I will reclaim my time.

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

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

Mr. CONTE. Mr. Chairman, if I could go further into this, I cannot understand that logic at all. I usually agree with the gentlewoman from Colorado (Mrs. SCHROEDER). She and I agree on most things, but her logic is wrong on this.

Do we say, "We can have savings bonds, but don't tell anybody about them"?

We have got to have those salesmen out there and let the people know there are savings bonds available and how important it is for these young people to learn how to save and buy these bonds.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I am happy to yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Chairman, I have asked the gentleman to yield just for one observation. The gentlewoman from Colorado (Mrs. SCHROEDER) has mentioned that there would be, I believe, 426 employees. In the bill the cap is 347 people.

I just wanted to make that clear for the record.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman from Ohio (Mr. MILLER) for his point.

Mr. Chairman, I think it is important to review the facts of what we are dealing with. No. 1, the cash savings to the taxpayers of this country through the Treasury for having the savings bond program is $2.8 billion in the differential. The savings due to the savings bonds was 175 times more than the $16 million expended for promotion and education in 1980 alone.

An analysis for the past 10 years indicates the savings bonds have saved the taxpayers over $12 billion. The savings bond program is the most cost effective means of debt financing available to the Treasury. Promotional expenditures account for only, as I said earlier, four-tenths of 1 percent. Interest charges makeup 96.2 percent of the cost, and the agent fees and administrative costs account for the rest.

Research shows that companies with payroll savings promotion and educational campaigns—and I will ask the Members to listen to this—those that have the promotions and utilize these people have an eight times greater rate of savings than those who do not. That is an eight times greater rate of savings than those who do not. So it is a beneficial program, and it does do good. Seven million people have participated.

I think it is also important to note that a tremendous amount of our savings bonds come through payroll deductions, and if those companies that use promotions have an eight times better rate of payroll deductions, does it not make sense to keep this policy?

Let us go on a little further into this issue. We talk about interest. There is an exclusion from State and local taxes. Somebody said, "Oh, yes, but it is not excluded from Federal taxes." But it is deferred if one wishes to defer it. Not only can you defer it, but you can take it and roll it over into another bond. You can take a series EE bond and roll it over into a series HH bond and defer that, and it carries on through.

I think we should get down to the bottom line. We have a vehicle here that helps the people of this country. I would remind the Members that 25 percent of the people in this country have no form of savings whatsoever.

We are talking about those who are entering the savings ladder and build-

ing and accumulating something they can reinvest in the future, not only for the good of this country but for themselves. Should we deny ourselves the vehicle to even tell them about it?

Mr. Chairman, that is what we are talking about doing if we do not put this money back in.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. CAMPBELL) has expired.

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

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

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

Mr. GILMAN. Mr. Chairman, the gentleman from South Carolina (Mr. CAMPBELL) certainly makes a sound argument.

I think one of the important considerations in this debate is that savings bonds provide a vehicle for the small investor in Government securities and Government bonds. For $25, the small saver can make what to him is an important investment in our savings institutions.

There is approximately $76.5 billion presently invested in savings bonds. A substantial portion of that, $76.5 billion about 80 percent of that sum, has come about through the savings bond promotion programs in the larger industries as a result of the promotion efforts of the savings bond division that we are considering in this bill.

To do away with that division is shortsighted. It would take away a very important base of financing our Government.

Mr. Chairman, again I urge my colleagues, let us undo what we did the other day and put this division back in place so it can do an important job for our Government.

□ 1140

Mr. CAMPBELL. I thank the gentleman.

Mr. Chairman, in closing, I would just like to make one comment. The United States of America now has one of the lowest rates of savings of any industrialized nation in the world. Are we to kill an encouragement for people to participate and save or are we to keep it alive and encourage savings?

I think that is the basic question. I urge support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. MILLER).

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

RECORDED VOTE

Mr. MILLER of Ohio, Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 210, not voting 21, as follows:

[Roll No. 180]

AYES—203

Addabbo	Florio	Oxley
Albosta	Forsythe	Parris
Annunzio	Fowler	Pashayan
Applegate	Frenzel	Peyser
Archer	Gilman	Pickle
Ashbrook	Ginn	Porter
Badham	Goldwater	Price
Bafalis	Goodling	Pursell
Bailey (MO)	Gore	Quillen
Barnard	Gradison	Rahall
Barnes	Green	Railsback
Beard	Gregg	Regula
Benedict	Grisham	Rhodes
Bereuter	Gunderson	Rinaldo
Bethune	Hagedorn	Ritter
Biaggi	Hammerschmidt	Roberts (KS)
Bliley	Hansen (ID)	Roberts (SD)
Boggs	Hansen (UT)	Robinson
Boland	Hartnett	Roe
Bonior	Heckler	Rogers
Breaux	Heftel	Rostenkowski
Brodhead	Hendon	Roth
Broomfield	Hiler	Roukema
Brown (OH)	Hillis	Rudd
Broyhill	Hollenbeck	Sabo
Burgener	Holt	Sawyer
Butler	Hopkins	Schneider
Byron	Huckaby	Schulze
Campbell	Hunter	Schumer
Carman	Hyde	Shannon
Carney	Johnston	Shaw
Chappell	Kastenmeier	Shumway
Chappie	Kemp	Shuster
Cheney	Lagomarsino	Skeen
Clausen	Latta	Smith (NE)
Clinger	LeBoutillier	Smith (NJ)
Coats	Lee	Smith (OR)
Coleman	Lent	Snyder
Collins (TX)	Lewis	Solomon
Conable	Livingston	Spence
Conte	Loeffler	Stangeland
Corcoran	Lott	Stanton
Courter	Lowery (CA)	Staton
Coyne, James	Lujan	Stratton
Coyne, William	Lungren	Tauzin
Craig	Madigan	Taylor
Daniel, Dan	Marks	Thomas
Daniel, R. W.	Marlenee	Trible
Dannemeyer	Marriott	Vander Jagt
Daub	Martin (NC)	Vento
Davis	Martin (NY)	Walker
Derrick	McClory	Wampler
Derwinski	McCollum	Weber (MN)
Dickinson	McDade	Weber (OH)
Dornan	McEwen	Whitehurst
Dowdy	McGrath	Whittaker
Dreier	McKinney	Whitten
Duncan	Michel	Williams (OH)
Early	Miller (OH)	Winn
Emerson	Mitchell (NY)	Wolf
Emery	Molinari	Wortley
Erdahl	Moore	Wylie
Evans (DE)	Moorhead	Young (AK)
Fary	Morrison	Young (FL)
Fenwick	Murtha	Young (MO)
Fiedler	Myers	Zablocki
Fields	Napier	Zeferetti
Fish	O'Brien	

NOES—210

Akaka	Brown (CO)	Dymally
Alexander	Burton, Phillip	Dyson
Anderson	Chisholm	Eckart
Andrews	Clay	Edgar
Anthony	Coelho	Edwards (AL)
Aspin	Collins (IL)	Edwards (CA)
Atkinson	Conyers	Edwards (OK)
AuCoin	Crane, Daniel	English
Bailey (PA)	Crane, Philip	Erlenborn
Bedell	D'Amours	Ertel
Beilenson	Danielson	Evans (IA)
Benjamin	Daschle	Evans (IN)
Bennett	Dellums	Fazio
Bevill	DeNardis	Ferraro
Bingham	Dicks	Findley
Boner	Dingell	Fithian
Bonker	Dixon	Flippo
Bouquard	Donnelly	Foglietta
Bowen	Dorgan	Foley
Brinkley	Downey	Ford (TN)
Brooks	Dunn	Fountain
Brown (CA)	Dwyer	Frank
Frost	Long (LA)	Rodino
Fuqua	Long (MD)	Roemer
Garcia	Lowry (WA)	Rose
Gaydos	Luken	Rosenthal
Gejdenson	Lundine	Roybal
Gephardt	Markey	Santini
Gibbons	Martin (IL)	Scheuer
Glickman	Matsui	Schroeder
Gonzalez	Mattox	Seiberling
Gramm	Mavroules	Sensenbrenner
Gray	Mazzoli	Shamansky
Guarini	McCloskey	Sharp
Hall (OH)	McCurdy	Shelby
Hall, Ralph	McDonald	Siljander
Hall, Sam	McHugh	Simon
Hamilton	Mica	Skelton
Hance	Mikulski	Smith (AL)
Harkin	Miller (CA)	Smith (IA)
Hatcher	Mineta	Smith (PA)
Hawkins	Mitchell (MD)	Snowe
Hefner	Moakley	Solarz
Hertel	Moffett	St Germain
Hightower	Mollohan	Stark
Holland	Mottl	Stenholm
Howard	Murphy	Studds
Hoyer	Natcher	Stump
Hubbard	Neal	Swift
Hughes	Nelligan	Synar
Hutto	Nelson	Tauke
Ireland	Nichols	Traxler
Jacobs	Nowak	Udall
Jeffries	Oakar	Volkmer
Jenkins	Oberstar	Walgren
Jones (NC)	Obey	Washington
Jones (OK)	Ottinger	Watkins
Jones (TN)	Panetta	Waxman
Kazen	Patman	Weaver
Kildee	Patterson	Weiss
Kindness	Paul	White
Kogovsek	Pease	Whitley
Kramer	Pepper	Williams (MT)
LaFalce	Perkins	Wilson
Lantos	Petri	Wirth
Leach	Pritchard	Wolpe
Leath	Rangel	Wright
Lehman	Ratchford	Wyden
Leland	Reuss	Yates
Levitas	Richmond	Yatron

NOT VOTING—21

Blanchard	Deckard	Jeffords
Bolling	Dougherty	Minish
Burton, John	Evans (GA)	Montgomery
Cotter	Fascell	Rousselot
Coughlin	Ford (MI)	Russo
Crockett	Gingrich	Savage
de la Garza	Horton	Stokes

□ 1150

Messrs. LONG of Louisiana, NELSON, and SHARP changed their votes from "aye" to "no."

Messrs. BAILEY of Missouri, GINN, MARLENEE, and EMERY changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1200

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including executive direction, management services, and centrally directed legal, technical, and internal audit and security operations; purchase (not to exceed seventy for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 638a(a)); and services, as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $173,836,000.

AMENDMENTS OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer amendments and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. CONTE: On page 6, in line 10, strike "173,836,000" and insert in lieu thereof "168,436,000".

On page 6, in line 23, strike "942,813,000" and insert in lieu thereof "933,513,000".

On page 7, in line 9, strike "619,428.000" and insert in lieu thereof "617,428,000".

Mr. CONTE. Mr. Chairman, I have offered this amendment to give the House an opportunity to express its will on the number of additional employees for the Internal Revenue Service.

That is Internal Revenue Service, as in tax collectors.

In broad terms, the issue is—how does our Republican government enforce its tax laws equally and equitably, while protecting the people from unwarranted interference and harassment, consistent without constitutional and political tradition of civil liberties, particularly due process of law, and freedom from unreasonable search and seizure?

It is an issue that is older than our Republic, and can be traced directly to the indictment of George the Third, in the Declaration of Independence, that—

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

It is an issue that fills our casework files, and volume upon volume of oversight hearings.

It is an issue where I have the strongest personal feelings. But this appropriation bill is not the proper place to legislate tax collection policy and procedures for the Internal Revenue Service.

The issue before the committee is more narrow—what is the proper allocation of funds and personnel for revenue collection within existing law and policy?

Let me review the facts.

My amendment affects three separate accounts.

The first account is salaries and expenses, where the Department requested an appropriation of $168,436,000, an increase of $4,028,000 over fiscal 1982, and 4,473 positions, a reduction of 32 positions compared to fiscal 1981.

The committee bill adds $5,400,000 and 200 positions over the Department's request.

My amendment would restore the salaries and expenses account to the appropriation level and number of positions requested by the Department, by cutting $5.4 million and 200 positions added in the bill.

The second account is examinations and appeals, where the Department requested an appropriation of $929,813,000, an increase of $29,805,000 over fiscal 1981, and 30,274 positions, an increase of 444 positions compared to fiscal 1981.

The committee bill contains $13 million and 500 positions above the Department's request.

My amendment would reduce the appropriation in the bill for this account by $9.3 million, and would reduce the number of positions in the bill by 350.

The third account is investigations and collections, where the Department requested an appropriation of $602,628,000, an increase of $33,168,000 over fiscal 1981, and 20,388 positions, an increase of 752 compared to fiscal 1981.

The committee bill contains an appropriation of $619,428,000, an increase of $16,800,000 over the request, and 20,988 positions, an increase of 600 over the request.

My amendment would reduce the appropriation in the bill for this account by $2 million.

In total, my amendment to these three accounts would reduce the allowances in the bill for the IRS by $16.7 million and 550 positions.

These are the facts.

The issue, of course, is more complex.

Although our system of taxation is based on self-assessment and voluntary compliance, it is generally accepted that tax avoidance and underpayment is widespread and increasing.

The General Accounting Office has estimated that taxpayers have failed to pay about $30 billion in taxes that are due under current law.

The multibillion dollar "underground economy" is a phenomenon that has only recently been subject to study and analysis.

I accept the premise that noncompliance with tax laws and regulations is a serious national problem.

What I do not accept is the conclusion that this problem can and should be solved by providing an additional $38 million and 1,440 employees that the Internal Revenue Service has not requested, and does not want.

Funds and positions are added by the committee to each of the four accounts for the IRS, including salaries and expenses, and taxpayer service and return processing, which have little or no direct impact on revenue collections.

My amendment targets additional funds and positions for examinations and appeals, and investigations and collections, where a dollar spent for personnel will yield the most additional revenue.

In the examinations and appeals account, the IRS estimates that every dollar spent for additional personnel will yield from $5 to $8 in additional revenue.

Based on these IRS estimates, the $3.7 million that my amendment would retain, above the Department's request, would yield from $18 million to $30 million in additional revenue.

Similarly, the IRS estimates that in the Investigations and Collections account every dollar spent for additional personnel will yield from $12 to $20 in additional revenue.

Based on these IRS estimates, the $14.8 million that my amendment would retain, above the Department's request, would yield from $178 million to $296 million in additional revenue.

In total, based on IRS estimates, the $18.5 million that my amendment would retain, above the Department's request, would yield from $196 million to $326 million in additional revenue.

Of course the Department supports its original budget request, and would prefer to eliminate the $38 million and 1,440 positions added by the committee.

The amendment under consideration represents my best judgment of the political will of the House, and of the most efficient utilization of additional funds and employees.

However, the Treasury Department and the IRS agree that if additional funds and positions are to be added, they prefer the levels and priorities in my amendment, rather than the committee bill.

I ask for your support.

Mr. ROYBAL. Mr. Chairman, I move to strike the last word, and I rise to further clarify the position. If the gentleman would respond to some of my questions, I would greatly appreciate it.

The way I see it, your amendment does, in fact, reduce the amount of money from $38 million which was included by the committee to $21,300,000; is that correct? That is in addition?

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

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

Mr. CONTE. That is right.

Mr. ROYBAL. So it is actually, then, a slight decrease below the amount that was added by the committee?

Mr. CONTE. That is right.

Mr. ROYBAL. I am concerned about the fact that the more money that is needed by our treasury, the more that this division, of course, can bring into the Treasury of the United States. The $38 million as put in by the committee was at the request of the Committee on Ways and Means; and the argument, of course, was that they bring in a ratio anywhere from $6 to $7 for every dollar that is expended.

□ 1210

Now, the argument, of course, made a lot of sense at that particular time, and the gentleman was present when the markup took place.

Now, the one thing that concerns me that I really do want to clarify is the matter of the taxpayer services and the return processing appropriations. That, of course, is the one agency of this division of Internal Revenue that actually deals with taxpayer services and return processing. It is my understanding that, under the gentleman's amendment, this is not affected at all?

Mr. CONTE. That is right. That was part of the compromise that we worked out with the gentleman.

Mr. ROYBAL. Under those conditions, if that is not affected, it seems to me that I can, in all deference to my friend, reluctantly accept this amendment.

I still think that the correct figure should be $38 million additional. On the other hand, I do not think that the service would not be hampered to that great extent by this small reduction.

Now, if it is seen later that an increase is necessary, there are ways in which that can be done. And I am sure that the gentleman will join with me in analyzing the situation and that if we come to the conclusion that it is needed, we can both work on that project at that time.

Mr. CONTE. If the gentleman will yield further, I have no doubt about it.

And I might say to the gentleman that I have worked very, very closely with Treasury in working up this amendment, in making sure that this is what they wanted and this would give them the tools to carry out their function.

If I may, and without embarrassing the gentleman from California, for whom I have the deepest respect and with whom I have worked for a long period of time, I would like to advise the committee that this is the gentleman's first year as chairman of this committee, which is the committee that I served on for the first time 23 years ago with our good counsel, Tex Gunnels, who has done a tremendous job down through the years, and the gentleman has some very big shoes to fill there, first with Vaughan Gary as the chairman and then our beloved Tom Steed. I told the gentleman that, that he had big shoes to fill, and the gentleman has filled them well. The gentleman has been a good subcommittee chairman. It is a pleasure to work with the gentleman and I am looking forward to working with him in the future.

Mr. ROYBAL. I thank the gentleman. With those kind remarks, I have no choice but to accept the amendment.

Mr. CONTE. I thank the gentleman.

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

Mr. Chairman, I wish to rise in favor of this section of the bill as reported by the full committee and opposed to the amendment offered by the gentleman from Massachusetts.

Today all signs point to an expanding "underground economy," a growing number of tax protesters, a proliferation of tax-avoidance schemes, and an ever-widening difference between the amount of tax liability reported and the amount that should have been reported by those filing tax returns.

Taxpayers who voluntarily pay their taxes are becoming increasingly resentful of the fact that many others do not pay their fair share.

Effective, efficient, and fair tax administration obviously requires the commitment of adequate resources.

In May the Oversight Subcommittee of Ways and Means held hearings on the adequacy of IRS staffing as proposed under the administration's fiscal 1982 budget. Every witness at the hearing, including present and former IRS commissioners, as well as data included in the IRS budget submission to Congress, and Treasury Department documents all clearly demonstrate that the IRS will not have the resources to fully and efficiently assess and collect taxes legally due and owed to the Federal Government.

The amount of increase in this bill we are considering today is $38 million more than the President's budget request.

IRS itself told the Appropriations Committee that this increase would enable it to collect $275 million more than it legally obligated to the Government in 1982.

In order to support the economic plan that we have passed here, we must be able to obtain the revenue that we have projected through the proper collection of taxes.

Right now there is $4.5 billion in delinquent accounts because the IRS is unable to devote adequate resources to this task.

I strongly urge all my colleagues to vote against the amendment and to support the bill as reported by the full Appropriations Committee.

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

Mr. Chairman, I would like to discuss the amendment with the author of the amendment, the gentleman from Massachusetts (Mr. CONTE), just to clarify a point.

As I understand, there will be a balance of $21,300,000 left in the bill by the gentleman's amendment?

Mr. CONTE. That is right.

Mr. MILLER of Ohio. That would reduce the bill $16,700,000?

Mr. CONTE. That is right.

Mr. MILLER of Ohio. Now, also, in his original amendment, the gentleman would have reduced the 1,500 positions that are to be added down to 750 positions. Could the gentleman tell us how many positions would be added now if he left in the $21,300,000?

Mr. CONTE. We cut 550.

Mr. MILLER of Ohio. Cut 550.

Mr. CONTE. That is the bottom line.

Mr. MILLER of Ohio. I thank the gentleman.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts (Mr. CONTE).

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 104. None of the funds made available to the Department of the Treasury by this Act shall be used to implement changes shortening the time granted, or altering the mode of payment permitted, for payment of excise taxes by law or regulations in effect on January 1, 1981.

AMENDMENT OFFERED BY MR. ADDABBO

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

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: On page 10, after line 2, insert the following general provisions:

"Sec. 105. None of the funds made available to the Treasury Department by this Act shall be available to formulate, implement, carry out or caused to be carried out by directive, order, regulation or otherwise the Customs Service project known as Pipeline No. 524 in New York City or any similar project of like purpose or nature in whole or in part."

Mr. ADDABBO. Mr. Chairman, this amendment would prohibit the implementation of the New York Regional Customs Service proposal known as Pipeline 524.

Pipeline 524 was, in its original form, designed to change existing procedures that New York customs brokers had been following for years. Under present procedures a broker located at, let us say JFK Airport, could file entries at that location regardless of whether the merchandise was unladen there or at the seaport. In other words, they did not have to maintain offices at both locations; 524 changed that by decreeing that entries had to be filed at the point of unloading. So these small brokers were faced with two alternatives, both of them extremely costly. Either they could open additional offices or they could set up some form of fast, reliable messenger service between points. Even Customs Service recognized this and they then proposed to provide the messenger service, personnel, vehicles, and so forth, at taxpayers' expense. This may sound well and good but critical papers would have to be entrusted to

that messenger and the highly critical factor of time that could be wasted would exacerbate the problems of a highly competitive and necessary service.

What gave rise to this proposal? There had been some problems identified in the Customs region. These have been investigated and some cases have gone through the courts. Wrongdoers should be sought out and punished. That is the correct way to handle such problems. But they should not be addressed by proposals that in no way get at the problem, that could put completely innocent people out of business, that would cost the taxpayers money, and that would achieve absolutely nothing in the public interest.

In the report accompanying this bill, the committee directs that Pipeline 524 not be implemented. Customs has, in fact agreed. This amendment, therefore, simply restates and insures compliance with that position and supersedes the language in the report.

Mr. Chairman, the administration has no objection to this amendment. The only reason I am offering it is in clarification. I have received from the Department of the Treasury, U.S. Customs Service, dated July 17, the following notice:

Some confusion has arisen about the status of Pipeline 524 and its supplements.

Pipeline 524 and all supplements thereto are rescinded and will not be implemented.

So to clear the confusion, I have offered this amendment, which I believe is acceptable to the committee.

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

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

Mr. ROYBAL. Mr. Chairman, I have read the amendment quite carefully, and I would like to ask the gentleman whether or not this is the same amendment already adopted in a previous supplemental?

Mr. ADDABBO. It was adopted in a supplemental; the gentleman is correct.

Mr. ROYBAL. Since it was adopted in a previous supplemental, Mr. Chairman, I see no objection to this amendment, and the committee accepts it.

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

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

Mr. McGRATH. Mr. Chairman, I rise to support the amendment offered by my colleague from New York. The Pipeline 524 project would severely hinder the daily operations of many hard-working, and successful businessmen in the district I represent and the surrounding area. Customs brokers and their clients who would be affected by the proposal are a vital and thriving part of the economy of Long Island.

Although there have been integrity problems in the New York region, the Pipeline 524 proposal does not address them and creates the potential for further difficulties.

The existing procedures for filing entry summaries with the Customs Service have been in effect for well over 10 years in the New York region. Many individuals have established their places of business and organized their activities to adapt to present regulations. Pipeline 524 represents a major departure from the current regulations in New York and Customs Service policy in other parts of the Nation. It would cause undue delay and inconvenience in a business where time is a factor of extreme importance. Pipeline 524 would place many customs brokers in the New York region at a great disadvantage. The Reagan administration has repeatedly stated its policy of reducing unnecessary regulatory burdens from the business community. In accordance with that policy, I ask that my colleagues support the amendment offered by the gentleman from New York.

Mr. MILLER of Ohio. Mr. Chairman, if the gentleman will yield, I have had an opportunity to look at the amendment and to speak to the author of the amendment. We have no objections.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for public service costs and for revenue forgone on free and reduced rate mail, pursuant to 39 U.S.C. 2401 (b) and (c) and for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund and to postal employees for earned and unused annual leave as of June 30, 1971, pursuant to 39 U.S.C. 2004, $869,240,000.

AMENDMENT OFFERED BY MR. SOLOMON

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

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 10, line 14, strike out the period and insert in lieu thereof the following: ": *Provided,* That none of the funds appropriated by this title may be used for advertising or promoting the implementation or use of a mandatory nine-digit ZIP code.".

□ 1220

Mr. SOLOMON. Mr. Chairman, I rise today to offer a crucial amendment to title II, that portion of the bill at hand which deals with the appropriation of Federal funds to the U.S. Postal Service.

My amendment will prohibit the Postal Service from using any funds appropriated under H.R. 4121 for the purpose of advertising or promoting the ill-advised nine-digit ZIP code program for fiscal year 1982.

The reconciliation conferees have agreed to a 2-year delay in the implementation of the nine-digit ZIP code. However, while delaying full implementation, the conferees have allowed the Postal Service to take a wide variety of steps toward implementation during this 2-year period. In addition to allowing the Postal Service to purchase new optical character readers, channel sorting equipment and other equipment necessary to handle and sort nine-digit mail, the conferees have also agreed to permit the Postal Service to disseminate any information to the public it feels necessary concerning the program.

Now, interestingly enough, the conferees have also requested the General Accounting Office to study the ZIP+4 plan, and to report its findings to the Congress by December 1, 1982. The GAO will be directed to study the accuracy and reliability of the new machinery and the cost effectiveness of the nine-digit ZIP system as a whole, and in addition, GAO will be asked to suggest improvements in the Postal Service proposal.

Now this seems a little strange to me.

Why should the Postal Service be allowed to go full force preparing for implementation of the nine-digit ZIP and spending money advertising its merits before the Congress even has the GAO report on the value of the proposal?

Just last week, the Postal Service took out two-page advertisements in both Time and U.S. News and World Report in a blatant attempt to sway public opinion in favor of the nine-digit ZIP code. The cost of these ads run about $98,000 each.

At a time when first-class postal rates have again risen, this time to the astounding level of 18 cents per letter, how can the Postal Service possibly justify the expenditure of funds to advertise the merits of the nine-digit plan in national magazines, when the GAO will not even report its evaluation of the project until December of 1982?

My concern is that allowing the Postal Service to take off on a media blitz promoting the plan before the Congress has its report on the value of the nine-digit proposal, is a little bit like letting the train out of the station with no passengers.

My amendment will not prohibit the Postal Service from purchasing its new nine-digit equipment, but it will prevent the Postal Service from using the funds appropriated under title II to advertise or promote the project before we in Congress have a valid report as to its merits. It only makes good sense to me that this prohibition

be enacted, and I urge all of my colleagues to join with me in prompting just a little restraint on the part of the Postal Service until we have all the facts before us.

Until we know the facts, let us not gamble on adding another hardship on the American people. Let us not gamble by adding $1 billion to the cost of operating the post office and maybe 2 or 3 more cents to the cost of a stamp.

Let us not gamble on adding more than $1 billion to the cost of small business, local governments, schools, hospitals, churches, charities and newspapers just to convert to a nine-digit ZIP code system that no one but the Postmaster General wants.

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

Mr. SOLOMON. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

My colleague raised a very interesting point, and having been here a number of years I can point out the way the nameless, faceless bureaucracy has gotten its way in the past. It is the gradual, step by step way we have edged into the metric system without any congressional approval. Like sticky paper they get you stuck and proceed little by little. This is the way we have building projects all over this town. In project after project bureaucrats find a way of starting. They use the sticky paper routine.

I congratulate the gentleman for calling this to the attention of this body and I hope we nail this down right now.

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

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

Mr. ROYBAL. I thank the gentleman for yielding.

Reading the gentleman's amendment, the one word that I think stands out is the word "mandatory." At the present time, as the gentleman knows, the nine-digit ZIP code is on a voluntary basis. But I must commend the gentleman for his amendment in making sure that the implementation of the nine-digit ZIP code is on a basis that would not be made mandatory

May I congratulate the gentleman for his amendment and the committee will accept his amendment.

Mr. SOLOMON. I certainly thank the chairman.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. I have looked at the amendment. I think it is very helpful. As the chairman has stated, the word "mandatory" is very important because this will give the opportunity to the Postal Service at least to find out what kind of savings are involved in the nine-digit ZIP code. I have heard, and we have had some information, that there would be something like $800 million a year savings, but we certainly need to know for sure before any nine-digit ZIP code would be put in place.

I compliment the gentleman.

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

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

Mr. WEISS. I thank the gentleman for yielding.

I want to commend and compliment the gentleman on his amendment.

I do want to point out a concern which I am sure the gentleman shares with me, and that is, that even with the adoption of the gentleman's amendment, under the conference report language in the Reconciliation Act apparently the Postal Service is going to be authorized not only to purchase the equipment, because that does not bother us, that can be used even if they stay at five digits—but they will be authorized to undertake advertising campaigns even before the decision to implement or before the studies have been completed.

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

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

Mr. WEISS. If the gentleman will yield further. I would hope that as a result of the gentleman's amendment being adopted, the Postal Service will recognize that we do not want them to go forward and spend this money when in fact Congress may very well decide to prohibit them from spending the money for the purpose of moving to a nine-digit ZIP.

Mr. SOLOMON. I thank the gentleman for his remarks and certainly we are talking about $1 million in cost to the Federal Government. We are talking about a billion dollars in costs to hospitals, schools, and local governments. I think we at least ought to know what we are doing before we allow the post office to continue.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York.

Mr. Chairman, last December the Committee on Government Operations unanimously approved House Report 96-1531, condemning the Postal Service's plan for a nine-digit ZIP code. That report castigated the Postal Service for poor planning and recommended that the Service examine less costly alternatives to its proposal. This advice, the concern of over 100 Members of the House who have joined in various resolutions and bills, and, similar expressions by more than one-half the Senate, has been rejected by the Postal Service which, as one witness at our most recent hearing noted, has its rhetoric way out in front of reality on this nine-digit ZIP code project. At this same hearing we also discovered that the Postal Service had grossly understated the cost and overstated the savings associated with its plan—perhaps by as much as $150 million per year.

As you will recall, the Postal Service proposal really has two distinct parts: First, the Service plans to spend $1 billion on new automated mail-sorting equipment; second, the ZIP code will be expanded to nine digits so the new machines can sort mail in small units before it is handed to letter carriers for delivery. The latter aspect of the plan will cost mail users at least $1 billion for a costly conversion to the longer ZIP. According to an executive branch study done at my request, the cost of conversion for Federal agencies alone would exceed $100 million.

These cost figures and the fact that according to the Postal Service, automation with or without the longer ZIP will result in substantial productivity gains, led the House Post Office and Civil Service Committee to propose a 2-year delay in the implementation of the nine-digit ZIP code. The House accepted the committee's recommendation and included the delay provision in the reconciliation bill.

House conferees were, I understand, able to prevail on the 2-year delay; however, because the Senate bill did not contain a comparable provision, the Postal Service will—it seems—be allowed to take steps to "prepare for implementation"—including advertising. Nonetheless, misgivings by the conferees were such that they have decided to ask GAO to study the cost effectiveness of the "ZIP+4" plan and report to Congress by December 1982.

Without Mr. SOLOMON's amendment, the Postal Service will—despite the delay—be able to continue on its present course of marketing the longer ZIP codes. No doubt many of you have seen the type of media blitz we can expect—Time, Newsweek, and U.S. News & World Report all carried expensive two-page ads in their July 27, 1981, editions.

Allowing the Postal Service to continue this PR campaign may result in more than distraction from the automation of the mail-sorting process. Through the commitment of resources, it could well lock the entire country into the longer codes before the GAO completes the report proposed by conferees on the "effectiveness of the entire expanded ZIP code system." This report, to be issued by December 1982, provides what appears to be a logical benchmark for determining whether unfettered preparation by the Postal Service is in order.

For example, the Postal Service could deploy new equipment, and test and perfect conversion tapes before the report is issued and reviewed by the Congress. Assuming a clean bill of health from the GAO, the Postal Service would then have some 10 months to mount a PR campaign.

Mr. SOLOMON'S amendment would bring us within 2 months of the due date of the GAO report. I urge its adoption.

Mr. DERWINSKI. Mr. Chairman, House-Senate conferees on civil service and postal affairs have dealt with this subject in a comprehensive manner.

Under the conference agreement, the Postal Service is prohibited from implementing the expanded ZIP code program before October 1, 1983. In the interim, the Postal Service will be permitted to take all steps preparatory to implementation. The preparatory steps will include the purchase of the optical character reading machines, bar code printers and other necessary equipment, the dissemination of information concerning the program, and providing assistance to mailers who want to convert their mailing procedures to the new program.

Many of the critics of the expanded ZIP code program have been misinformed as to its purpose and goals. It was not dredged up by the Postal Service as some last-minute project. It has been under study for years. It is strictly voluntary, but it will help the Postal Service to improve postal productivity and in the process help stabilize postal rates.

Frankly, I think it was a mistake to delay implementation of the program until 1983, but since that now is a fact of life we certainly should not be tinkering with a carefully structured program which will be cost effective for the Postal Service and the mail-using public.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLOMON).

The amendment was agreed to.

□ 1230

AMENDMENT OFFERED BY MR. SIMON

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

The Clerk read as follows:

Amendment offered by Mr. SIMON: Page 10, line 14, insert immediately before the period the following: ": *Provided*, That except in accordance with section 404 of title 39, United States Code, no part of any funds appropriated under this title shall be available to plan, administer, or implement the closure or consolidation of any post office".

Mr. SIMON. Mr. Chairman, I believe this is an acceptable amendment. This is an amendment which simply strengthens what is already language in the report which makes clear that the Congress of the United States does not want to have any wholesale closings of small post offices; that any plan implementing anything like that has to proceed with the present statutes.

I might add that the Postmaster General, in testimony before the committee on March 26, stated that, and I quote:

A cut in this appropriation at the level proposed by the President will challenge the Postal Service to improve its efficiency and productivity. We will not look to changes in 6-day delivery or other major, nationwide services to accomplish this $344 million reduction. I would like to insert that we will not have any wholesale closings of small post offices.

Mr. Chairman, the amendment which I offer today touches upon the future of small post offices in both urban and rural areas. My amendment would prohibit the Postal Service's use of appropriated funds to plan, administer or implement the closure or consolidation of post offices outside of the orderly procedures established by the Congress in 1976. These measures require the Postal Service, before closing or consolidating any post office, to fully consider community impact, to assess the consequences to employees, and to provide adequate notice, as well as to consider the potential budgetary savings involved.

This impact assessment is in keeping with postal statutes which prohibit the closing of post offices solely for financial reasons. I quote here from section 101(b), title 39, of the United States Code:

The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

This would seem to be sufficient protection for small post offices, but developments in the last decade proved that it is not. In 1975 the Postal Service attempted to launch a program of mass closures under a plan developed by Postmaster General Bolger's predecessor. At that time I led a court challenge to this plan which was joined by more than 50 Members of the House and Senate. This effort led in 1976 to enactment of section 404 of title 39 United States Code, which sets forth the orderly procedures which now govern the closure or consolidation of post offices, and requires a demonstration that such closures or consolidations are clearly in the public interest. Since then the process has worked—and worked well—and it has widespread support. Some 250 post offices have been closed under section 404.

The present Postmaster General respects the value of small post offices. In congressional testimony earlier this year Postmaster Bolger again indicated his intention to absorb the administration's proposed budget reductions without instituting significant reductions in service, including the wholesale closings of small post offices. In its report the Appropriations Committee has underscored this point, while approving postal appropriations in the amounts proposed by the administration, including a reduction of $344 million in the fund used to operate small post offices.

However, budget pressures and changing circumstances could press the Postal Service into a reversal of this policy. Should the Postal Service decide to make up some of its budgetary losses through the closure or consolidation of post offices, it is likely that several thousand would be affected, encompassing every State and every congressional district. Understandably, constituent concerns about the fate of local post offices continue.

These circumstances, and these concerns about the future, require that the Postal Service be discouraged in every way possible from devising plans to circumvent the established section 404 procedures, or to seek repeal of section 404 as a prelude to wholesale post office closures. A strong showing of support for this amendment will discourage the Postal Service from heading down this path.

This amendment will permit realinements and closures where justified. Our intention is to make certain that the wholesale closure initiatives which were launched in the last decade are not launched again.

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

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

Mr. ADDABBO. Mr. Chairman, I thank the gentleman for yielding. If the gentleman will extend his remarks, the committee will accept the amendment.

Mr. SIMON. I appreciate that, and I understand that it is also acceptable to my colleague from Ohio, although I would not want to speak for him.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. That is correct. We understand the gentleman is just enforcing the public law that is on the books now in the procedures for closing post offices. Is that correct?

Mr. SIMON. That is correct.

Mr. MILLER of Ohio. We have no objection.

Mr. SIMON. It reinforces the law that is in the committee report, and I appreciate the support of my colleagues, particularly the chairman of the subcommittee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. SIMON).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President as authorized by 3 U.S.C. 102, $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 701 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

POINT OF ORDER

Mrs. SCHROEDER. Mr. Chairman, I make a point of order against the first paragraph in title III, Compensation to the President.

The CHAIRMAN. The gentlewoman will state it.

Mrs. SCHROEDER. Mr. Chairman, this paragraph contains a proviso stating that none of the funds made available for official expenses shall be considered as taxable to the President. This proviso is legislation in an appropriation bill and violates rule XXI, clause 2 of the Rules of the House of Representatives. In this case the paragraph provides compensation to the President of $250,000 for official expenses but states that none of the funds shall be taxable to the President. This is a change in existing law or at least purports to be a change in existing law by stating the taxable status of the expenses. In effect it construes existing law and is therefore not in order. (See CONGRESSIONAL RECORD, May 2, 1951, pp. 4747-4748.)

The CHAIRMAN. The Chair will inquire of the gentlewoman whether she makes her point of order against this specific proviso in line 25, page 10, through line 2, page 11, or against the paragraph in its entirety.

Mrs. SCHROEDER. The gentlewoman would be making it against the paragraph in its entirety.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. ROYBAL. Mr. Chairman, if it is in its entirety we can accept that. We will concede the point of order.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard?

Mr. MILLER of Ohio. Mr. Chairman, I would like to find out just exactly what we are doing. I am not sure. I would like to find out what we are striking.

The CHAIRMAN. The Chair will inform the gentleman that if the point of order were to be sustained, the paragraph on page 10, line 20, through page 11, line 2, would be stricken in its entirety.

Does the gentleman from Ohio wish to be heard on the point of order?

Does the gentleman from California wish to be heard?

Mr. ROYBAL. No.

The CHAIRMAN. Does any Member wish to be heard?

Otherwise, the Chair is prepared to rule.

PARLIAMENTARY INQUIRY

Mr. MILLER of Ohio. Mr. Chairman, a parliamentary inquiry.

Is it possible for the chairman to explain what has been already worked out on this point of order before the Chair rules on the point of order?

The CHAIRMAN. The Chair is in a position to solely restate the point of order and the consequences which would flow from its being sustained by the Chair.

Mr. ROYBAL. Mr. Chairman, may I inform the gentleman from Ohio that I do have a motion at the desk that will restore the full amount. What is being considered at this particular time is language at the bottom of page 10 of the bill and the top of page 11, and that is that none of the funds made available for official expenses shall be considered as taxable to the President. Now, that has not been authorized, and it is because of that fact that we have conceded the point of order.

Now, in order to restore the title III, a motion is now at the desk. That motion will be read, it will be adopted, and then we can continue with the rest of the bill.

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

Mr. ROYBAL. I yield.

Mr. CAMPBELL. I thank the gentleman. Am I correct that in the past we have had a situtation where the salary of the President was set, and then there was $50,000 in an extra account for offical expenses, and that in this instance there was no effort made to raise the Presidential salary or change anything in the moneys. Really, this committee combined the two in an effort to show exactly what was being done, and so in fact—in fact what we had was a statement of what our current situation is except that we put it together here, and it should be corrected by the gentleman's amendment presented at a later time.

Mr. ROYBAL. The gentleman is correct. The committee followed the usual procedure, did exactly what has been done in the past. A point of order has been called on this same item almost ever year. The same thing has happened, and it has been necessary to restore section 3 by a motion which is now at the table, and it can be done and we can proceed immediately after that. But the gentleman is correct, the salary of the President is not $250,000, it is $200,000.

The CHAIRMAN. The Chair will interrupt the gentleman. The point of order made by the gentlewoman from Colorado has been conceded by the gentleman from California and is sustained by the Chair for the reasons stated and the entire paragraph is stricken.

AMENDMENT OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Amendment offered by Mr. ROYBAL: On page 10, line 18, insert the following:

"EXECUTIVE OFFICE OF THE PRESIDENT

"COMPENSATION OF THE PRESIDENT

"For compensation of the President as authorized by 3 U.S.C. 102, $250,000."

□ 1240

Mr. ROYBAL. Mr. Chairman, this amendment merely restores the matter which is not subject to a point of order. I ask the support of the House in restoring this section.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Chairman, my question is this: We had, prior to this year, funding for a salary for the President of $200,000 and an expense account of $50,000.

As of now, with the gentleman's amendment, which states, "For * * * compensation of the President, $250,000," we are not changing the salary of the President; am I correct on that?

Mr. ROYBAL. Mr. Chairman, the gentleman is correct. The salary for the President is not being changed at all, but the figure of $250,000 includes $50,000 for expenses that the President may be incurring. This is fully authorized by law. He may or may not spend it all. If he does not, it does not go to the President; it goes back into the Treasury of the United States.

Mr. MILLER of Ohio. Mr. Chairman, I thank the gentleman for that explanation, and I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYBAL).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the Office of Administration, $13,200,000, including services authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

AMENDMENTS OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer a series of amendments starting with this section, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. OTTINGER: Page 11, line 6, strike out "$13,200,000" and insert in lieu thereof "$12,200,000".

Page 11, line 21, strike out "$22,278,000" and insert in lieu thereof "$21,278,000".

Page 12, line 3, strike out "$3,674,000" and insert in lieu thereof "$3,374,000".

Page 12, line 12, strike out "$185,000" and insert in lieu thereof "$168,000".

Page 12, line 22, strike out "$1,640,000" and insert in lieu thereof "$1,591,000".

Page 13, line 5, strike out "$2,263,000" and insert in lieu thereof "$2,205,000".

Page 13, line 10, strike out "$3,939,000" and insert in lieu thereof "$3,839,000".

Mr. OTTINGER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

Mr. OTTINGER. Mr. Chairman, these amendments, very simply, restore to the fiscal year 1981 level the appropriations for various offices of the President and the Vice President.

This is done because I feel very strongly that, with cuts of such severe nature having been made and with the American people being required to suffer as a result in so many areas of the budget, the President ought at least to be required to hold the line on his Executive Office expenditures.

Furthermore, with the enormous cuts that the President has proposed and Congress has made, there ought to be a good deal less for the Executive Office of the President to administer, so it would be entirely justifiable to reduce the amount that is appropriated for these purposes.

The total proposed appropriation for the Executive Office of the President, I would note, is already lower than the fiscal year 1981 appropriation, but that is because the committee has eliminated the Council on Wage and Price Stability and has yet to fund the Domestic Policy Office. The items which I am affecting in fact have been increased substantially, and for the White House Office and the Office of Administration they have been increased by $1 million each.

The President's program is anticipated, according to the Wharton economic model, to throw 1,750,000 Americans out of work. The cuts in higher education will result in as many as 2 million people not being able to go to college, and it is estimated that somewhere between 200 and 300 colleges will have to close. The cuts in the school lunch program will deprive a great many students of the opportunity to be able to function effectively in school because they will not have enough to eat. The cuts in housing will mean thousands of marginal tenants are going to endure severe suffering.

With respect to senior citizens, the cuts will hit particularly hard because their social security payments will be reduced and their rents are going to be increased. The amount of food available to them through food stamps is going to be decreased, and in those cold areas of the country, which includes mine, the programs for weatherization and low-income energy assistance are going to be decreased, so we are likely to have a result that many of those senior citizens are going to be forced to make the terrible choice of either having to starve to death or freeze to death this winter.

The services available to thousands of blind, elderly, and disabled are going to be reduced in a block grant program that cuts them some 25 percent. Our cities, which have such grave economic problems, are going to be cut back severely in the block grants that are proposed. Thousands of pregnant women will be deprived of milk to assure they can bear healthy babies by repeal of the WIK program.

In the areas of health and economic assistance, low-income assistance and health-care assistance, we have a pattern formed where in order to be able to reduce Federal expenditures, these programs are block granted and reduced by 25 to 30 percent.

Here we have a request for the White House Office and the Office of Administration for vastly increased sums, in those two cases more than $1 million each, and I just do not think that is justified, as I said. With these drastic cuts in the Federal bureaucracy, certainly it should take less money to be able to administer them, and if the President wants to see the whole Federal budget cut back and the American people suffer considerably as a result, then I think he is under an obligation to set an example with his own office expenditure.

Mr. SWIFT. Mr. Chairman, will the gentleman yield for a question?

Mr. OTTINGER. I yield to my friend, the gentleman from Washington.

Mr. SWIFT. Mr. Chairman, do I understand that what the gentleman proposes is that we merely reduce the President's expenditures to the 1981 levels?

Mr. OTTINGER. The gentleman is correct. I do not propose that the President or his Office be cut back 25 percent, as he has proposed to cut back the health care, education, and benefits for poor people.

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

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

Mr. SWIFT. Mr. Chairman, if the gentleman will yield further, the question I want to ask the gentleman is this: Does the gentleman's amendment not deal with the Executive Office of the President more generously than this body dealt with itself and its various committees in our authorization for the committee expenditures in the legislative branch?

Mr. OTTINGER. That is certainly correct.

Mr. SWIFT. There was a 10-percent cut over the previous year's expenditures, generally speaking, across the board by the legislative branch, as passed by this body. So the gentleman is only suggesting that the President be kept at the 1981 spending levels?

Mr. OTTINGER. That is correct. I do not apply to the President what he applied to the rest of the country, particularly the most needy of our citizens in health care, education, and job benefits which have been decreased by 25 percent. I merely say that his Office and the Administrative Office ought not to increase by more than $2 million.

Mr. SWIFT. So that the President will be treated much more generously than the public has been treated, and he will be treated more generously than the legislative branch treated itself?

Mr. OTTINGER. The gentleman is correct.

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

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield on that point?

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

Mr. MILLER of Ohio. Mr. Chairman, I do not think that we should be trying to fool the people when we speak of being "more generous" in one area and cutting the poor, the blind, and the disabled.

The legislative committee of this House raised the expense account about 3 months ago for each Member approximately $10,000. Without a vote in the House, it was raised $10,000.

As a member of fact, I have an amendment——

Mr. OTTINGER. Mr. Chairman, I will reclaim my time, if I may.

Mr. MILLER of Ohio. Well, Mr. Chairman, I wonder if the gentleman would answer this question.

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

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 3 additional minutes.)

Mr. OTTINGER. Mr. Chairman, I would reply to the gentleman from Ohio (Mr. MILLER) by saying that we have not yet considered the legislative appropriations, and indeed there are notices out that would seek to cut the amount which is available to Members

of Congress in order to be able to perform their duties.

We have also gone without a pay increase for some time, which is a matter of great concern to a great number of Members, including this Member, because I do not think it is in the best interest of the country to see Members who are responsible for multibillion-dollar budgets live under financial duress.

So I just think that this is a matter of equity and a manner of good sense. In fact, the President will have much less to administer, and I do not see why appropriation for his costs should go up.

□ 1250

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield further?

Mr. OTTINGER. I will be glad to yield.

Mr. MILLER of Ohio. I plan to offer an amendment when the legislative appropriations bill comes up that will take away the average $10,000 increase per office. It is in effect right now and in the fiscal year 1982 budget.

I am wondering whether the gentleman will support me when that amendment comes up.

Mr. OTTINGER. I have not yet seen the amendment. I would certainly consider it very seriously.

My colleague the gentleman from Michigan (Mr. DUNN) has talked to me about making the legislative caps which were adopted by the House Administration Committee obligatory. I do not know whether that conforms to the gentleman's amendment or not, but I said I would support the gentleman from Michigan's amendment.

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

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

Mr. DUNN. Mr. Chairman, I would like to rise in support of the gentleman's amendment.

I feel very strongly about defining leadership in this body or in the administration. If we are going to have leadership, it should begin at home.

In my own office, I have cut my staff budget, my own salary, by 5 percent.

When we are asking the Nation to pull back, I think the administration is also a good place to do it.

I strongly support the gentleman's amendment.

Mr. OTTINGER. I thank the gentleman for his support.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

As we all know, there are various offices in the Executive Office of the President. I think we must consider the fact that the committee carefully reviewed each of the budget requests and the committee allowed only those increases which were mandatory in nature.

There were no program increases allowed by the committee.

With regard to the largest Office in the Executive Office, the OMB, the committee did not approve any increase at all over 1981.

The committee has allowed no increase in personnel and no program increases. The committee has allowed only modest amounts for mandatory increases, such as increased rental space costs, increased cost of supplies, with in-step increases for employees and other increases that are beyond the control of anyone operating any particular office.

I strongly recommend that we do not arbitrarily reduce these Offices to the 1981 level.

I would like to review very briefly what the committee has done. Approximately $93 million was appropriated in 1981. Approximately $93 million was requested for 1982.

The committee recommended an appropriation of $84.5 million, which is a reduction below both the budget request of 1981 level appropriations; so in effect, the committee did not just make the appropriation simply because it was the President of the United States that was asking for this money. The committee really analyzed each request. We tried to analyze the work of the President, what his needs were.

I can well realize that this can be an economy vote if one would so desire to make it that way: but the truth of the matter is that the Office of the President, we all know, is a most important Office. Who would know more about that Office than the man who is running it? Who would know more how much money is needed to accomplish certain objectives?

The objectives of the President of the United States, I believe, are objectives that should be made his prerogative. He should follow those objectives and I believe that we as Members of this House should make available to the President whenever his request is reasonable, as it is in this instance, the amount of money that he requests.

Again, I wish to repeat, that the committee did not appropriate the full amount requested; that we did, in fact, make reductions. We made reductions based on careful analysis of what was needed. I believe that there is no fat in this request of the President.

I sincerely hope that the amendment is defeated.

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

Mr. ROYBAL. I will yield to the gentleman from New York.

Mr. OTTINGER. I think the gentleman and the committee did, in fact, make cuts and I applaud them particularly for holding the Office of Management and Budget, which has been at the point of the lance in trying to cut everybody else, holding them to the 1981 budget.

With respect to the Administrative Office of the President and the Office of the White House, as I understand it, the primary reason for the reduction in funds was the elimination of the Council on Wage and Price Stability. Therefore, the committee did not have to fund that.

It was the decision of the committee not to fund the Domestic Policy Office because the head of that Office refused to appear before the subcommittee to discuss his budget. That was Mr. Anderson; is that not correct?

Mr. ROYBAL. Well, it is probably correct.

I think that the gentleman should also look at the figures the way they really stand. In the Office of Administration, we did decrease the request by $675,000.

Now, a decrease was also made in the White House.

Mr. OTTINGER. A decrease from the request in the appropriation.

Mr. ROYBAL. My point is that the President did not get everything that he requested, that the committee did analyze very carefully the needs and that a reduction was made.

Now, in the White House Office, there was also a reduction. It is a small reduction, I grant.

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

Mr. Chairman, I want to commend the chairman of this committee for his very statesmanlike presentation, indicating how energetically, and carefully this subcommittee had worked on this bill, especially on the matter before us.

It is difficult for me to understand why when, as the chairman pointed out, we took testimony on the matter and even reduced funding in some areas that were requested, that even further reductions are requested to a level of the 1981 budget. As the chairman pointed out, the President himself knows better what needs have to be met in the Executive Office of the President.

I would oppose this amendment and hope that we will vote it down.

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

Mr. ROYBAL. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I thank my colleague for yielding.

There is a temptation to support an amendment like this, and for some of us, including the chairman of the subcommittee, who have been on this committee for a number of years, and I formerly served on this subcommittee, this is not a new amendment. Almost every President has had amendments offered to reduce his appropriation by the opposite party.

I have never supported any of those.

There is a rule that has not come up here, called comity. We do not have to

lay down and play dead because a President requests funds; but this subcommittee has already testified, it is obvious they had trimmed down this appropriation, as they should; but it reaches a point where we should not trim any further.

As I listen to the justification and explanation for this amendment, I am sorry to say that I must come to the conclusion that the amendment is offered not to save money, but as a punitive measure.

I hope that this body does not reduce itself to being punitive. It is a conclusion I must draw from the argument made here. I wondered which bill we were talking about, when I listened to the arguments for the amendment, whether it was in this appropriation bill, and I do not find it. I do think the committee has done a good job in reducing the executive appropriation.

I congratulate the chairman, the ranking member, and the members of the committee and I urge the committee of the House here to support its subcommittee in this instance.

Mr. CAMPBELL. Mr. Chairman, I move to strike the last word. I rise in opposition to the amendment.

Mr. Chairman, I also would like to commend the chairman of our subcommittee for the statesmanlike stance he has taken on this matter.

I think it is very important to realize a couple things. No. 1, the committee cut back the request by almost $5 million, as the chairman has talked about; but the most important thing to remember is that this Congress mandated on the White House in the Office of Management and Budget the Paperwork Reduction Act of 1980 at a cost of $2,600,000, which our committee saw fit to make them absorb in their existing budget; so in fact you have a major reduction in the White House cost by over $2½ million because they absorbed what we voted for paperwork reduction.

I would only pose to the sponsors of this amendment, did they believe and vote for and support the reduction of paperwork in the Paperwork Reduction Act? If so, we gave no money to fund it. That is absorbed out of the White House budget and that is a direct reduction of the operating cost of operating the White House overall.

□ 1300

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. OTTINGER).

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

Mr. OTTINGER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chairman announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York (Mr. OTTINGER) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 164, noes 253, answered "present," 1, not voting 16, as follows:

[Roll No. 181]

AYES—164

Anderson	Gray	Oxley
Aspin	Guarini	Panetta
Atkinson	Hall (OH)	Patman
AuCoin	Hall, Ralph	Patterson
Barnes	Hall, Sam	Paul
Bedell	Hamilton	Petri
Benjamin	Hance	Peyser
Bennett	Hansen (UT)	Pursell
Biaggi	Harkin	Rahall
Blanchard	Hawkins	Rangel
Boner	Heckler	Ratchford
Bonior	Hendon	Reuss
Bowen	Hightower	Richmond
Brodhead	Hiler	Rinaldo
Brown (CO)	Hopkins	Ritter
Burton, Phillip	Howard	Roberts (KS)
Carney	Jacobs	Roberts (SD)
Chisholm	Jeffries	Rodino
Clay	Jones (NC)	Roemer
Coats	Jones (OK)	Roth
Collins (IL)	Kastenmeier	Roukema
Collins (TX)	Kogovsek	Russo
Conyers	Kramer	Savage
Coyne, James	LaFalce	Scheuer
Coyne, William	Lantos	Schneider
Crane, Daniel	LeBoutillier	Schroeder
Crane, Philip	Lehman	Schumer
D'Amours	Leland	Seiberling
Daschle	Long (MD)	Sensenbrenner
Daub	Lowry (WA)	Shamansky
Dellums	Lujan	Shannon
Dixon	Luken	Smith (NJ)
Donnelly	Lundine	Snyder
Dorgan	Markey	Solarz
Dornan	Marlenee	Stark
Downey	Mattox	Stenholm
Dunn	Mavroules	Stokes
Dwyer	McCollum	Studds
Dymally	McDonald	Swift
Early	McEwen	Synar
Edgar	Mikulski	Traxler
Edwards (CA)	Miller (CA)	Udall
English	Mineta	Vento
Evans (IA)	Mitchell (MD)	Walgren
Evans (IN)	Moakley	Washington
Fenwick	Moffett	Waxman
Ferraro	Mottl	Weaver
Findley	Murphy	Weiss
Fithian	Neal	Whittaker
Florio	Nichols	Williams (MT)
Ford (MI)	Nowak	Wirth
Ford (TN)	Oakar	Wyden
Garcia	Oberstar	Yatron
Gejdenson	Obey	Young (MO)
Glickman	Ottinger	

NOES—253

Addabbo	Foley	Myers
Akaka	Forsythe	Napier
Albosta	Fountain	Natcher
Alexander	Fowler	Nelligan
Andrews	Frank	Nelson
Annunzio	Frenzel	O'Brien
Anthony	Frost	Parris
Applegate	Gaydos	Pashayan
Archer	Gephardt	Pease
Ashbrook	Gibbons	Pepper
Badham	Gilman	Perkins
Bafalis	Ginn	Pickle
Bailey (MO)	Goldwater	Porter
Bailey (PA)	Goodling	Price
Barnard	Gore	Pritchard
Beard	Gradison	Quillen
Beilenson	Gramm	Railsback
Benedict	Green	Regula
Bereuter	Gregg	Rhodes
Bethune	Grisham	Robinson
Bevill	Gunderson	Roe
Bingham	Hagedorn	Rogers
Bliley	Hammerschmidt	Rose
Boggs	Hansen (ID)	Rosenthal
Boland	Hartnett	Rostenkowski
Bolling	Hatcher	Rousselot
Bonker	Hefner	Roybal
Bouquard	Heftel	Rudd
Breaux	Hertel	Sabo
Brinkley	Hillis	Sawyer
Brooks	Holland	Schulze
Broomfield	Hollenbeck	Sharp
Brown (CA)	Holt	Shaw
Brown (OH)	Hoyer	Shelby
Broyhill	Hubbard	Shumway
Burgener	Hughes	Shuster
Burton, John	Hunter	Siljander
Butler	Hutto	Simon
Byron	Hyde	Skeen
Campbell	Ireland	Skelton
Carman	Jenkins	Smith (AL)
Chappell	Johnston	Smith (IA)
Chappie	Kazen	Smith (NE)
Cheney	Kemp	Smith (OR)
Clausen	Kildee	Smith (PA)
Clinger	Kindness	Snowe
Coelho	Lagomarsino	Solomon
Coleman	Latta	Spence
Conable	Leach	St Germain
Conte	Leath	Stangeland
Corcoran	Lee	Stanton
Coughlin	Lent	Staton
Courter	Levitas	Stratton
Craig	Lewis	Stump
Daniel, Dan	Loeffler	Tauke
Daniel, R. W.	Long (LA)	Tauzin
Danielson	Lott	Taylor
Dannemeyer	Lowery (CA)	Thomas
Davis	Lungren	Trible
de la Garza	Madigan	Vander Jagt
DeNardis	Marks	Volkmer
Derrick	Marriott	Walker
Derwinski	Martin (IL)	Wampler
Dickinson	Martin (NC)	Watkins
Dicks	Martin (NY)	Weber (MN)
Dougherty	Matsui	Weber (OH)
Dowdy	Mazzoli	White
Dreier	McClory	Whitehurst
Duncan	McCloskey	Whitley
Dyson	McCurdy	Whitten
Eckart	McDade	Williams (OH)
Edwards (AL)	McGrath	Wilson
Edwards (OK)	McHugh	Winn
Emerson	McKinney	Wolf
Emery	Mica	Wolpe
Erdahl	Michel	Wortley
Erlenborn	Miller (OH)	Wright
Ertel	Mitchell (NY)	Wylie
Evans (DE)	Molinari	Yates
Fary	Mollohan	Young (AK)
Fazio	Montgomery	Young (FL)
Fiedler	Moore	Zablocki
Fields	Moorhead	Zeferetti
Fish	Morrison	
Flippo	Murtha	

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—16

Cotter	Foglietta	Jones (TN)
Crockett	Fuqua	Livingston
Deckard	Gingrich	Minish
Dingell	Horton	Santini
Evans (GA)	Huckaby	
Fascell	Jeffords	

□ 1320

Mr. WHITTEN and Mr. HANSEN of Idaho changed their votes from "aye" to "no."

Messrs. EVANS of Iowa, JAMES K. COYNE, and KRAMER changed their votes from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

□ 1330

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, $1,000,000.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: page 14, after line 2, insert the following new paragraph:

"PROHIBITION ON GIFTS TO INFLUENCE MEMBERS OF CONGRESS

"No part of any appropriation contained in this title may be used for the purchase or provision of any gift or favor (including, but not limited to, cuff links, helicopter rides, visits to Camp David, and barbecues) to members of Congress for the purpose of influencing their votes on legislation."

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment to prohibit any part of an appropriation for the President and the Executive Office from going for gifts to Members of Congress for the purpose of influencing their votes on legislation. Today may be the most important day to discuss this issue.

Earlier this year, when the budget was under discussion, the President invited wavering Members down to the White House, gave them a pair of cuff links, and they came back to the Hill wavering no more. Just last weekend, the President upped the ante on the tax bill by taking a group of Members in a spiffy Army helicopter to Camp David for hot dogs and hamburgers. A month ago, the President tried to buy Members' votes for cuff links; a few days ago, he moved to hot dogs. What is next? Jelly beans?

Well, unless anyone cares to disagree, I can say that I do not think any Member of Congress would sell his vote for a hot dog. And, the President ought to stop using the taxpayer's hard-earned money to attempt to buy something which cannot be sold.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I would like to ask the gentlewoman to explain it very clearly because the Members on this side do not know what the gentlewoman is talking about.

Mrs. SCHROEDER. I really want to thank the gentleman for allowing me to explain my amendment.

The gentlewoman does not understand it either, but there have been rumors in the press and all sorts of stories that I am sure if we allow them to go unanswered we will taint this body and we could also taint the Presidency.

I do not think people really have been going on barbecues and in helicopters and getting all sorts of goodies and favors for votes. It is just impossible for me to believe that.

As the gentleman can tell, I do not have any cuff links and I am sure the gentleman's side of the aisle does not have any and I doubt if anyone on our sides does either, but that is why I thought this amendment could be very brief and very quick. If no one is implicated and this is not going on, this is redundant.

I am sure we know the President would not spend the taxpayers' money this way. I am sure he would fund such things out of either campaign funds, or not do it.

It seems to me that by not passing this we would be just continuing to throw a cloud over the legislative process and what is going on. So I offer this in the sense of good government because we know that Washington is kind of a role model for the rest of the country and the world. I know how many people on both sides of the aisle have worried about legislative agencies lobbying and doing things like that.

I think we should just accept this amendment. I think it is very simple, it is very clearcut, and I think it solves a non problem.

Mrs. FENWICK. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentlewoman for yielding.

I am sorry to hear my colleague speaking as she is on the floor of the House. We have no time for such games and we all know what this is.

Mrs. SCHROEDER. Well, I thank the gentlewoman from New Jersey for her comments. I do not think this is a game. I think that this is serious and I think the American people should be entitled to know that these types of things are not being funded with their money and the amendment makes it very clear.

These are the kind of stories if they grow, become legendary. Such bargaining is not what the United States of America Government is about.

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

Mrs. SCHROEDER. I yield to the gentleman from Ohio.

Mr. McEWEN. I thank the gentlewoman for yielding.

Is the gentlewoman aware of a certain amount of discussion in the media which referred to the fact that previous Presidents did not take the opportunity to meet with the Congress. They were unwilling to come here and reluctant to invite Members to the White House.

Mrs. SCHROEDER. If I could take my time back. I would like to reclaim my time and tell the gentleman I am delighted that the President is meeting with us and I think that is the way it should be and that is why I am so serious about this amendment and do not intend it to be a game at all.

Meetings, conversations, open doors, exchanges back and forth down Pennsylvania Avenue I think are terribly important and this amendment does not affect them. But do Members want this body to be portrayed as collecting trinkets and other goodies? We do not want such stories out in the press, and this will stop such allegations.

So, in essence, I agree with the gentleman. Of course I am delighted to have the conversations. I think that is what we really want, and that is what this amendment clarifies. It does not say they cannot invite us over. This is only for gifts or special little add-ons, which I do not think is being done anyway.

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

Mrs. SCHROEDER. I yield to the gentleman from North Carolina.

Mr. HEFNER. I thank the gentlewoman for yielding.

I was one of the fortunate ones who was invited to Camp David last Sunday. And we were supposed to get a pewter mug. Does this cover pewter mugs?

Mrs. SCHROEDER. I hate to say to the gentleman——

Mr. HEFNER. I do not have any pewter mug. I would hate to be cut off until I get my pewter mug.

Mrs. SCHROEDER. I appreciate the gentleman's comment and in all honesty I am afraid it would cut off pewter mugs also. It would only do it in the next fiscal year, if the gentleman can get it delivered before October 1, he would be all right.

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

Mrs. SCHROEDER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentlewoman for yielding.

I have a drawer full of ballpoint pens from Jimmy Carter. Do I turn myself in, Jimmy Carter in, or the pens in?

Mrs. SCHROEDER. I am not talking about pens if they were given at a bill signing.

If the gentleman will listen to the amendment, it talks about favors

handed out before legislation is passed. The pens I assume, were given after the legislation passes.

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

Mr. Chairman, I rise in opposition to the amendment. We in this House constantly bring up business on a daily business of great importance. What we do here affects every man, woman, and child in the United States, and I can well say that it affects every man, woman, and child in the world. This I believe, that this body, meeting in Washington, D.C., is involved in legislation that affects people throughout the world.

But the business of this House is serious business, Mr. Chairman, and there are very, very few times when we can have some fun and start poking fun at one another. I enjoyed this exchange, and we did have some fun. Things were said on both sides that incidentally made most of us laugh for a brief moment, but now I think it time that we face the reality of the agenda of the day.

□ 1340

Now, we all know very well that the President of the United States is not going to use any of these funds for these purposes. Members probably remember that it was not too long ago that the President was going to remodel the White House, and $50,000 was made available for that purpose. That, of course, was not enough, so the President used private funds, and he can do it again and use those funds in whatever manner he desires with those private funds.

It seems to me that to place this prohibition on this legislation may to some come under the heading of poking fun. It is not for sure a very good, or astute idea. I believe that this amendment should not be included in the legislation that we are considering at present. So, I urge that the Members of this House vote against the amendment.

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

Mr. ROYBAL. Yes; I yield.

Mrs. SCHROEDER. In essence, what the gentleman is saying that no money really is appropriated for these types of things. I think what I am trying to clarify is whether or not it is. If it is not appropriated for those types of things, then I will be more than happy to withdraw my amendment.

Mr. ROYBAL. While I cannot speak for the President, I think I can guarantee the gentlewoman from Colorado that the President is not going to use any of these funds for this purpose. He can use private funds if necessary. However, I think that the gentlewoman has already made her point. The point, I think, is well recognized by all those who are here in this House and those who are listening on television and within the hearing of my voice. The truth of the matter is that none of these funds will be used by the President, for the purposes cited in her amendment and, therefore, I urge that this amendment not be included in this piece of legislation.

Mrs. SCHROEDER. If the gentleman will yield further, with his assurances and what I was trying to do with my amendment, is making sure the American public knows that their tax money is not being used for such lobbying and influence buying. I think the gentleman from California would agree with me.

So, with his assurance and with this kind of legislative record, I ask unanimous consent to withdraw the amendment.

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

Mr. HOPKINS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I am a new Member here, but I see the partisanship escalating all the time. I have asked the gentlewoman to withdraw the amendment and she has done so. I think it is inappropriate to be discussing these things, these types of amendments and taking up the time of the House when we have so many other things to complete work on.

I opposed the last amendment too. I think after yesterday's fierce battle that went on for a few weeks, I think both sides were too partisan. I think there was too much trading of different issues for votes, that I think makes the Congress look bad in a certain light.

I think there has been too much argument between the President and the Congress in many ways. I came here really believing there would be less partisanship and more working together. I think that is what the American people want across the board, not only on this amendment, but on amendments offered by the other side also.

I hope we move away from that kind of operation in this House because in the end the thing that is the most important is not who wins the next election in 1982, but how we govern up until January 1, 1983.

I think all of us as we go into the recess sometime next week can ponder that for a bit in August, and maybe in September things will not be as partisan on either side.

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

Mr. HERTEL. I yield to the gentleman from South Carolina.

Mr. CAMPBELL. Mr. Chairman, I want to commend the gentleman for his comments, and I commend the gentlewoman for offering to withdraw her amendment. I think she should be allowed to do so. I think we can have our fun and have a little frivolity and break the tense atmosphere that we are in, but I think it is time to put it aside in good faith and allow this to be dropped and go on.

I commend the gentleman for his comments.

Mr. CONTE. Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

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

Mr. LATTA. Mr. Chairman, reserving the right to object, let me say that I shall not object. I reserved the right to object to clear up something I think should be cleared up. In reading this Schroeder amendment, it might leave the impression that the cuff links and tie clips that the President of the United States has been handing out—and I might say that everybody has not gotten them—are paid for by the Republican National Committee and not by appropriated funds as the amendment attempts to infer.

Mr. Chairman, I withdraw my reservation of objection.

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

Mr. HOPKINS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike the last word.

Not only, Mr. Chairman, are the cuff links covered in another area, but the amendment indicates helicopter rides are included. Now, I am not sure whether the lady from Colorado will be offering this in the Department of Defense bill, because we certainly are not covering the Department of Defense in the legislation that is before us right now.

I am not sure what took place in the past because the lady has in her amendment that barbecues also are banned. That means that the Members would not be able, apparently, to even be invited or visit the White House. So, it seems to me that the amendment is covering a lot of areas that would never be covered, by unanticipated needs that are accounted for by our committee for every expenditure out of there. I guarantee the lady that cuff links, barbecues, and helicopter rides hve never been charged to the account that she is talking about.

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

Mr. MILLER of Ohio. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I want to thank the gentleman for his statement. I believe that the amendment should be withdrawn, and I believe that several Republican Members have asked that the amendment be withdrawn. I would hope that if the gentleman would make the motion or ask unanimous consent that it be withdrawn, that perhaps the Republican Member, Mr. HOPKINS of Kentucky, who has objected to this twice, would not object and the amendment can be withdrawn.

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

Mr. MILLER of Ohio. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I do not think this amendment should be withdrawn. I think it should be voted on in the spirit of our colleague from the other side of the aisle. This is an amendment that richly deserves a defeat, a unanimous defeat. We should not be sitting here listening to this kind of talk when we should be attending to the serious business of the Nation.

Mr. HOWARD. Mr. Chairman, if the gentleman from Ohio will continue to yield, whatever the lady would want, but I wish the Republican side would get itself together, whether they want it withdrawn or do not want it withdrawn.

Mr. MILLER of Ohio. Mr. Chairman, I would move that we table the amendment.

The CHAIRMAN. That motion is not in order in the Committee of the Whole.

The question is on the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The amendment was rejected.

□ 1350

The Clerk will read.

The Clerk read as follows:

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Federal Election Campaign Act of 1979, $9,662,000.

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

Mr. Chairman, I note here that the committee has, in its appropriation for the Federal Election Commission, made a slight reduction under the authorization amount approved by this House.

Unfortunately, that authorization has not yet passed because the other body has not acted yet. While this section is subject to a point of order, no useful purpose would be served thereby.

The committee has appropriated less than the President requested, less than the House authorized, and the same amount appropriated last year. Since the other body's appropriation is likely to be less, the FEC will probably get less than last year, a real cut equal to the rate of inflation in its costs, plus a little more.

I wish to commend the committee for its fine work on this section.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Kansas City, 601 E. 12th, $1,960,000

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

Mr. Chairman, I want to bring the attention of my House colleagues to a very pressing need which currently exists in my district involving the U.S. district courts. Specifically, passage of the Omnibus Judgeship Act provided for the addition of a new U.S. district court judge to be domiciled in Charleston. In addition, a U.S. district court judge currently domiciled in Columbia, S.C., will be relocated to Charleston in order to properly handle the increased workload. Currently, one U.S. district judge is domiciled in Charleston, however, with the two additional judges we will have a total of three U.S. district judges, while having only one courtroom available to hold court. As such, with the enactment of the Speedy Trial Act, justice cannot properly be carried out due to the nonexistence of two necessary courtrooms.

To alleviate this untenable situation, there is currently pending before the House Committee on Public Works and Transportation and the Senate Environment and Public Works Committee a prospectus which would provide for the construction of a courthouse annex and alteration of the existing post office and courthouse in Charleston, S.C., at a cost of approximately $5 million. Approval of the project will provide for the construction of the two additional courtrooms. I am hopeful of securing such approval prior to the end of this 1st session of the 97th Congress. In the meantime, however, I am advised that the General Services Administration currently has funds available for reprograming in fiscal year 1982 to begin the design of the proposed project. The cost associated with design is estimated to be $400,000 and I am further advised that funds providing for construction of the total project will be included in President's fiscal year 1983 budget submission to the Congress.

Mr. Chairman, I am advised that advanced design prior to total funding of the project will save approximately 1 year in the total project construction time and allow the U.S. district courts to carry out the will of Congress in a more timely manner. Our taxpayers' dollars are currently being wasted due to the need to transport judges as well as defendants to Columbia, which is approximately 100 miles away from Charleston, to hold court.

The need to proceed with this project in an expeditious manner is warranted, therefore, Mr. Chairman, I respectfully request that all efforts be undertaken by your subcommittee to direct the General Services Administration to proceed with the reprograming of the approximately $400,000 which will provide for design of the Charleston project.

The Congress has clearly spoken with respect to those duties which should be carried out efficiently by the U.S. district courts, however, due to the lack of courtrooms in Charleston, the U.S. district courts are finding such a directive very difficult and costly to comply with. Again, Mr. Chairman, I urge the support of the Appropriations Committee.

Mr. Chairman, I want to thank the chairman of the subcommittee for allowing me to trespass on his valuable debate time.

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

Mr. HARTNETT. I yield to the subcommittee chairman.

Mr. ROYBAL. Mr. Chairman, I would like to assure the gentleman from South Carolina (Mr. HARTNETT) that the committee will do everything possible to be of assistance in this regard.

I am impressed by the fact that the gentleman stated to the House and to the committee that the project will save approximately 1 year in the total project if it is done now. That is, of course, a substantial saving.

The gentleman's main point, I think, was the fact that the money in programing for the design has already been appropriated. That money is already in place?

Mr. HARTNETT. Yes; it is.

Mr. ROYBAL. Therefore, what is needed, it seems to me, is just a little prodding and some action with regard to releasing the money for the purpose that the gentleman described. I can assure the gentleman that I, as chairman of the subcommittee, and the committee will do everything possible to help the gentleman accomplish this objective.

Mr. HARTNETT. Mr. Chairman, I want to express my sincere appreciation to the subcommittee chairman for his untiring efforts.

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

Mr. HARTNETT. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Charleston, S.C. (Mr. HARTNETT) and say that I am also aware of the acute need in the Charleston area for this new courthouse annex. I thank the gentleman for his remarks.

Mr. HARTNETT. Mr. Chairman, I thank the gentleman from South Carolina (Mr. DERRICK) for his contribution and his untiring efforts, and I know that with the help of the sub-

committee chairman, we will be able to do something about this reprograming.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For necessary expenses in connection with Federal records management and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and for the Information Security Oversight Office established pursuant to Executive Order 12065, directives issued pursuant thereto, and other applicable authorities, including acceptance and utilization of voluntary and uncompensated services, $89,999,000, of which $3,000,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended.

AMENDMENT OFFERED BY MR. DANNEMEYER

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

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: On page 23, line 1, strike "$3,000,000" and insert in lieu thereof "$1,000,000".

□ 1400

Mr. DANNEMEYER. Mr. Chairman, this amendment relates to the funding for the National Historical Publications and Records Commission.

Members may recall that on May 19 of this year a request for reauthorization of this commission was defeated 165 to 231 when the item was on suspension.

This Member from California was of a mind initially to offer a point of order to this specific appropriation this afternoon; but after discussion with the persons that are involved in the funding for this commission I have decided, instead, to offer this amendment which will reduce the funding from $3 million to $1 million in fiscal year 1982.

It is my understanding that with this reduction the function of the commission will be narrowed to what its original purpose was designed to do; namely, to spend funds to develop historical references to what the Founding Fathers of our country actually did.

It is my understanding that the amendment will be favorably considered by the chairman of the committee and the ranking minority member.

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

Mr. DANNEMEYER. I will be happy to yield.

Mr. ROYBAL. I have read the amendment. The gentleman has definitely described the situation the way it really is. The amendment is acceptable on this side.

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

Mr. DANNEMEYER. I would be happy to yield.

Mr. CAMPBELL. Mr. Chairman, the minority has looked at the amendment and the minority has no objection to the acceptance of the amendment.

Mr. DANNEMEYER. I thank the gentleman.

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

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

Mr. CONTE. Mr. Chairman, I rise in opposition to the Dannemeyer amendment to reduce the committee's recommendation for the National Historical Publications and Records Commission from $3 to $1 million.

This matter was very carefully considered by the subcommittee before we agreed to recommend the $3 million included in this bill for the Commission. I am aware that the administration has proposed to eliminate funding for this program entirely but I sincerely believe this would be a mistake. For the record I am one of those who voted in the majority against the reauthorization bill for this program when it was first brought to the House floor this spring. However, I do not believe that at the time of the vote many Members of the House, including myself, knew very much about the Commission. Since that time I have taken the time to look into the work of the Commission and I have no reservations about the importance of continuing limited Federal support for its work. I might add that the Senate has also recently considered this matter and has passed a reauthorization bill.

The National Historical Publications and Records Commission has been in existence since 1934 for the express purpose of providing technical and financial support to organizations around the country engaged in the painstaking work of editing, publishing and preserving the papers of this Nation's most distinguished citizens. Papers which the Commission has been involved in preserving include those of George Washington, John Adams, Andrew Jackson, Booker T. Washington, Samuel Gompers, George Marshall and many, many others. The $3 million we appropriate for this program is by no means the only money that is going into this effort. It is however an important stimulus.

The non-Federal share of contributions for projects receiving support from the Commission averages 47.2 percent. This is actual committed dollars from private and corporate sources. If one were to consider inkind support as well, the average private share per project receiving support would be closer to 60 percent.

Mr. Chairman, each year we spend millions in support of the Smithsonian and other museums throughout our country to preserve our historical artifacts. The number of visitors to the Smithsonian and our other museums has increased dramatically in recent years reflecting the keen interest Americans have in their heritage. I believe the American people are interested in the preservation of their documentary heritage and I do not believe the American people think $3 million is too much for this purpose. I support the committee's $3 million recommendation.

Mr. DANNEMEYER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANNEMEYER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, $1,106,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

AMENDMENT OFFERED BY MR. OTTINGER

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

The Clerk read as follows:

Amendment offered by Mr. OTTINGER: Page 25, line 20, strike out "$1,106,000" and insert in lieu thereof "$845,000".

Mr. OTTINGER. Mr. Chairman, again this year I am offering this amendment to the appropriation for the General Services Administration to reduce funding for former Presidents, this time from roughly $1.1 million to $845,000, a reduction of approximately 25 percent. This reduction will certainly cause the three beneficiaries of this measure no hardship. Given some of the things this money has been spent for in the past, I think the reduction is a necessity. None of us doubt that there is a need to provide some funding for former Presidents.

In addition to the very large pensions they have earned, former Presidents require assistance to deal with the special responsibilities that fall on anyone who has held that high office. At the same time that Congress first approved the idea of financial assistance to former Presidents, Members were rightly concerned about the possibility of a President leaving office penniless, as several of our early Presidents, in fact, did.

Things have changed so drastically since that time that present economic realities make a mockery of that concern. In recent times our Presidents have left office to amass fortunes. Our laws to provide them with financial assistance look more and more like wel-

fare programs to aid people who hardly are in need of aid.

Adding to this embarrassment is the list of items and services that have in the past been purchased with this money. Consider what some of this money is, in fact, used for:

Twenty-nine thousand dollars to move former President Nixon from California to New York.

Thirty-five thousand dollars for former President Ford's annual telephone bill, and both Presidents Nixon and Carter receive similar amounts.

One thousand one hundred dollars for newspaper and magazine subscriptions for Mr. Ford.

Two hundred and fifty dollars for cable television for Mr. Ford and his staff.

Twenty-four dollars to repair Mr. Ford's silver coffee server. I am not sure if this is part of the coffee service we bought for Mr. Ford last year for $890.

Two thousand two hundred and forty dollars for office plants and $100 per month for a watering service in Mr. Ford's office.

Five hundred and eighteen dollars per month for auto expenses for Mr. Nixon, including repair of his golf cart.

Of course, this does not even cover the transition expenses we pay to Mr. Carter, $250 a month of which goes to his mother for the office he rents in a house which she owns.

For these reasons I have introduced H.R. 3904, the Former Presidents' Facilities and Services Reform Act of 1981. It covers a wide variety of expenses that go beyond this particular appropriation, but it also covers the direct payments that we are considering today.

My bill would provide $300,000 for a former President for the first 4 years out of office, $250,000 for the next 4 years, and $200,000 after that. Accordingly, my amendment today for $845,000 allows $250,000 for both former Presidents Nixon and Ford, and $300,000 for former President Carter. It leaves unaffected the $45,000 the Appropriations Committee recommendation for the widows of former Presidents.

The benefits provided in my bill are certainly generous enough and my amendment today would bring the spending of former Presidents in line with this legislation.

Surely this is enough to cover the expenses of those who have gained great wealth as a result of their past position.

I will not bring this amendment to a record vote if I can get some assurances from the chairman and the ranking minority member that they will examine the size to which these appropriations have grown for the future and that the kind of excesses which have been allowed to go through in the past will also be addressed; but I do think that the American people have a right to be outraged at this kind of excess.

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

Mr. OTTINGER. I would be glad to yield to the chairman.

Mr. ROYBAL. Mr. Chairman, I would like to assure the gentleman that everything possible is being done.

With respect to questionable expenditures, for example, related to former Presidents, the GAO report of September 10, 1979, stated in part that while several unusual office expenditures for former Presidents Ford and Nixon were noted, the GAO believes that GSA has been reasonable under existing legislative guidelines in determining whether to approve expenses.

The committee will further make sure that GAO continues looking at this matter even more carefully, so that these unnecessary expenditures will not continue.

I can assure the gentleman that the committee will do everything possible to see to it that the intent of the bill that the gentleman introduced on June 11, 1981, is carried out when it is enacted.

I commend the gentleman for having introduced that bill. As the gentleman knows, there have been no hearings up to this time; but nevertheless, we hope that we can do something about this particular situation to insure that all expenditures are proper.

Mr. OTTINGER. I thank the gentleman for his assistance.

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

Mr. OTTINGER. I would be glad to yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I would like to support this amendment. This is a serious and important question and I think it deserves a favorable vote in this House. I applaud the Congressman for bringing it up.

Mr. OTTINGER. I thank my good friend, the gentlewoman from New Jersey.

As I say, I will not bring this to a vote, but I do not think the GAO has done its job when it allows the kind of frivolous expenditures that ought to be personal expenditures. The former Presidents are, in fact, adequately compensated. Also, I do not think GAO examination, even if it were adequate, answers my concerns; I want not only to eliminate abuses but also, as a matter of policy, lower the amount taxpayers must pay for office and travel expenditures of former Presidents.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. MILLER of California, and by unanimous consent, Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

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

Mr. OTTINGER. I would be glad to yield to my friend, the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I want to commend the gentleman for bringing this issue to the Congress. I do not think it is a question of having the GAO audit whether it be the expenditures of money are proper or improper. I think it is a determination for this Congress to set an amount of money that we deem to be reasonable for the expenses of a former President and if the former President wishes to spend an amount of money in excess of that, so be it; but when a former President decides that he is going to have two or three houses and then we are obligated to provide security at all of them, I think that is a luxury.

When I go by a former President's house on a golf course in southern California and he is in Aspen, and I see a full complement of security people there, where most of the Members of this House could not get on that golf course, let alone get next to the house, and the American people are paying for the security, I think we have got to be concerned about it.

I think the time has come for us to set a limit, or we are going to slowly drift into creating a class of very special privilege, which is the former Presidency of the United States.

I do not think we have a tradition or much of a future if we make that determination. We would like to believe that the Presidents of the United States come from the ranks of the people in this country and in the tradition of Harry Truman they return to the people of this country.

□ 1410

As we now find out more recently in our past experiences with former Presidents, they do very well financially. We now find that a President, a former President can get $5,000——

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. MILLER of California and by unanimous consent Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. If the gentleman will continue to yield, a former President can get $5,000 for going across town and giving a speech. But we have to provide the security and we have to provide the people to carry his luggage. I think enough is enough, in the words of the gentleman from Indiana (Mr. JACOBS) of this House, because I think we owe it to say that we are prepared to provide a

certain limit but after that you are on your own.

I am sure that this House will be, if we look at our past experience, will be more than generous. But I just do not think in these tight fiscal times, where all of us have experienced making cuts in the Federal budget, that this could not just go on only to be reviewed by the GAO, which is then put into the very difficult position and task of determining whether paying someone to water flowers or whether you ought to water your flowers yourself is proper or not.

I commend the gentleman for bringing this issue before the House. I would hope the House would vote on this or we could get some commitment that we are going to have a smaller amount.

Mr. OTTINGER. In reply to my good friend from California, what he suggests, in fact, is what my legislation does. It limits the amount of a former President for expenses to $300,000 for their first 4 years out of office when there is likely to be a good deal of business. Then it cuts back to $250,000 for the next 4 years and $200,000 after that.

The appropriation in this bill is for $1,106,000 for three Presidents, which is $155,000 over that; it is that amount which my amendment seeks to cut.

Mr. MILLER of California. It may be also, if the gentleman will yield, that we could even reduce that amount to some extent if we provide commissary privileges to former Presidents. Then they could reduce their overhead.

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

Mr. OTTINGER. I yield to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank my colleague for yielding. I think this is a significant amendment. We can remember that John Adams left the Presidency and went back to a small white clapboard house on the main street of Quincy and then became a Member of this House.

We have no princes in this Nation; we have citizens. We serve for a time as a citizen-Representative here in Congress, or as President of the United States. Obviously the times are different and security has to be provided. But the scale is getting out of hand and I think this is a wise amendment.

Mr. OTTINGER. I thank the gentlewoman.

The amount of money actually involved in comparison to the overall budget consideration is not enormous. But I do think the principle is correct and I would hope the committee, in examining future appropriation requests, would cut back to something along the proportions of the legislation that I have proposed.

I yield back the balance of my time.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

It seems to me that this House has more important business than political nitpicking at the allowances and expenses for former Presidents.

The gentleman from New York has written to Members of the House, and he mentioned it here again, itemizing certain expenses as examples of abuse, such as $1,100 for magazine expenses, $35,000 for annual phone bills, $29,000 for moving expenses, and $890 for a silver coffee service.

The gentleman's examples are very interesting.

I wonder if the gentleman from New York, and I hope he listens, has ever examined the quarterly reports of the Clerk of the House, which itemize expenses for individual Members of Congress.

I have done so, and in particular I have examined the expenses of the gentleman from New York for the 12-month period ending on April 30, 1981.

I am sure that the gentleman expects his own expenses to be subject to the same kind of scrutiny and examination that he has so diligently applied to the expenses for our former Presidents.

Let us look at magazine subscriptions, where the gentleman from New York points out that the expenses for former Presidents includes $1,100.

Subscriptions to newspapers and magazines are a normal expense of any public official or public figure.

The expenses, however, for the gentleman from New York, (Mr. OTTINGER), are extraordinary for newspapers and magazines for the 12 months ending April 30, 1981. They total $3,978.96. He has rich tastes. Outside of Roll Call, he has daily and general news delivery, the Daily Argus, the Pelham Sun, Israel Today, Research Institute of America, Westchester magazine, North Castle News, Scarsdale Inquirer, Washington Post.

I usually buy my own Washington Post.

He has the New York Times, Jewish Council of Yonkers.

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

Mr. CONTE. I am glad to yield to my good friend.

Mr. OTTINGER. I do not know if the gentleman would care to tell us what his expenses are, but I happen to have a very literate district. We have a good number of publications in my district, and in order to keep contact with them I have to know what they are saying. So I have no apologies for that. I am sure the gentleman from Massachusetts has a similar experience.

Mr. CONTE. Of course I have a similar district.

For everyone's edification I would like to have them compare my expense accounts and the gentleman's. I will read this glorious list of 36 publications, at a cost of $3,978.96 of the taxpayers' money.

The list follows:

OFFICE OF HON. RICHARD L. OTTINGER, OFFICIAL EXPENSES—SUBSCRIPTIONS FOR 1 YEAR (APRIL 1980-April 1981)

April 10, 1980, 1080101388, Roll Call, Subscr. renewal 15 cc. 1 yr. 1/1/80-12/31/80, $25.00.

April 17, 1980, 1080108059, Dist. Delivery Service, quar. subscr. renewal to DC-NY Times Post, Daily News 4/1/30, $149.48.

April 17, 1980, 1080108047, the Daily Argus, Renewal—1 Yr Subs (7 days) Mt. Vernon Dist Off @ $2 week, $104.00.

April 25, 1980, 1080116237, The Pelham Sun, Annual Subs Renewal, 10 Fiske Pl, Mt. Vernon, $12.00.

May 12, 1980, 1080133015, Israel Today, Subsc. Renewal 1 Yr. 4/30/80-4/30/81, $9.50.

May 15, 1980, 1080136332, Research Institute of America, Report & Wkly. Issues Ann. Subsc. Wash DC 4/7/80-4/7/81, $36.00.

June 12, 1980, 1080164297, Westchester Magazine, One Yr. Subscr. Renewal (New Rochelle) 6/9/80-6/9/81, $12.00.

July 14, 1980, 0196100231, Access, Ann. Subscr. Renewal June 1980-81, $24.00.

July 14, 1980, 0196100410, Dist. Delivery Service, Quar. Subscr. Renewal NY Times, NY News, NY Post (7/1-9/30/80), $149.48.

August 5, 1980, 0217100064, North Castle News, Subsc. Renewal 1 year, $10.00.

August 14, 1980, 0227100025, Scarsdale Inquirer, Subscr. Renewal 1 year daily to NR, $10.50.

September 16, 1980, 0260100058, National Journal Reports, Renewal 1 Yr. Subsc. & 2 binders, $439.00.

September 16, 1980, 0260100066, Cong. Quarterly, Renewal Dec. 80-Nov. 81 Incl. Almanac, $315.00.

October 17, 1980, 0291770017, Federal Systems, Quar. Subscr. to Federal Jobs (9/22-12/1/80, $20.00.

October 17, 1980, 0291810027, Wall Street Journal, Renew 1 Yr. Subsc. (12/1/80-12/1/81) $63.00.

December 8, 1980, 0343800024, Washington Post, 1 Yr. Subsec. D&S (11/21/80-11/20/81) $91.00.

December 8, 1980, 0343800025, Westmore News, 1 Yr. Renewal Weekly $7.00.

December 10, 1980, 0345450028 Hudson's Directory, 1 Yr. Renewal-Contracts Directory (1/1/80-1/1/81), $60.00.

December 17, 1980, 0352810015, NY Times, Quar. Renewal (10/80-1/81) D&S for DC Office, $61.50.

December 17, 1980, 0352810016, Scarsdale Inquirer, 1 Yr. to DC Office, $13.00.

December 31, 1980, 1002460023, Congresswomen's Caucus, Ann. Subsc. to Update 1/5-12/31/81, $125.00.

January 13, 1981, 1013470018, Jewish Council of Yonkers, 1 Yr. Subscr. Renewal 1981, $5.00.

January 13, 1981, 1013470020, Cong. Quarterly, Set of CQ Binders, $23.50.

January 23, 1981, 1022430027, Westchester Rockland Newspapers, 1 Yr. Mail Subsc. (7 days) Del. to New Roch & Wash. Offices (14 Sub.), $1,764.00.

February 18, 1981, 1049730021, NY Times Sales, D&S 2nd Subscr. (1/5-4/5/81), $58.50.

February 18, 1981, 1049730020, NY Times Sales, Addit. D&S Papers (1/5-4/5/81), $58.50.

February 22, 1981, 1052510019, Harrison Independent, 1 Yr. Renewal 1981, New Rochelle, $9.00.

February 22, 1981, 1052510021, Yonkers Record, 1 Yr. Weekly to NR, $5.00.

February 22, 1981, 1052510022, Westmore News, DC Subscr. Renewal, $7.00.

March 6, 1981, 1065600006, Suburban Street, 1 Yr. Renewal to DC, $10.00.

March 6, 1981, 1065600007, Patent Trader, 1 Yr. Renewal to DC, $39.00.

March 6, 1981, 1065600008, Patent Trader, 1 Yr. Renewal to NR, $39.00.

March 6, 1981, 1065600014, Pelham Sun, 1 Yr. Subscr. to NR, $15.00.

March 6, 1981, 1065600015, Federal Jobs, 1 Yr. Subscription, $70.00.

March 6, 1981, 1065600013, Pelham Sun, 1 Yr. Subscr. to DC, $15.00.

March 10, 1981, 1069950018, Cole Publications, Subscr. to Cole Westchester Directory, $124.00.

Annual total, $3,978.96.

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

Mr. CONTE. I will be glad to yield. I do have more to say, however.

Mr. CAMPBELL. I was most interested in the point about a Member having a literate district. I wonder if the thought has been given that a former President has the whole country as a district, and I certainly hope the gentleman who made that comment is not suggesting that the country itself is illiterate and that the President should not be entitled to such publications.

Mr. CONTE. There is another point. These gentlemen are all retired and they have a little time to read. This gentleman is in Congress. Now, if I had to read all of these publications I would be holed up in a room for the rest of my life. I do not know how the gentleman gets in his office with all of these publications. He must have to wade through piles and piles of papers, and magazines.

Mr. OTTINGER. Will the gentleman yield further?

Mr. CONTE. I yield to my good friend. I will tell my colleagues, he must be a fast reader.

Mr. OTTINGER. I would just like to assure the gentleman that when I leave office this will no longer be at public expense.

Mr. CONTE. I just saved the taxpayers some money here.

Now let us go on.

The gentleman notes that the phone bill for former President Ford was $35,000.

The gentleman's phone bill for the 12-month period was $15,674.26. I hope the gentleman is going to pick that one up too. I am sure that we could entertain the House for hours by reading phone expenses for various other Members of the House. But we have comity and we do not do it.

I thought we could both play this little game here for a little bit. I hate to do this because the gentleman is my friend, and we do represent intellectual districts.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

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

Mr. CONTE. In the expenses of any office there are going to be a few items—such as a silver service or a repair to a golf car—that can be held up for selective ridicule.

The fact remains that with one or two exceptions, the expenses for former Presidents are normal and routing office expenses, comparable in nature and magnitude to the expenses of running any other office—such as a congressional office.

The gentleman's amendment should be summarily voted down by the committee.

□ 1420

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

Mr. Chairman, I am opposed to this amendment which seeks to reduce the budget for former Presidents.

The Appropriations Committee's recommendation for fiscal year 1982 is an increase over fiscal year 1981. This increase, however, is necessary to pay the full year costs of former President Carter's pension, office staff, and related expenses.

The appropriation provides for the pensions, office staffs, and related expenses for former Presidents Nixon, Ford, and Carter. It also provides for the pensions and postal franking privileges for the widows of former Presidents Truman and Johnson.

It should be rejected because it attempts to change the authorized amounts for former Presidents through the Appropriations Act rather than through changes in the authorization statute. This is properly a matter to be considered as a separate bill by the entire House as has been proposed by the sponsor of this amendment. To arbitrarily slash the former President's budget without adequate public hearings is unwise.

If there are questionable expenditures being paid out of the former Presidents appropriation, then it is up to the Congress to review them and tighten the rules on what is and what is not to be paid. This should be done in a careful, surgical manner rather than with bias.

I hope my contribution will help us reach a very high level of debate such as the proper mode used by the gentleman from New York (Mr. OTTINGER) in proposing the amendment.

As I understand the legislative situation or the procedure, the gentleman has indicated that he really wants to get the attention of proper committees, which I think is a proper effort. The authorizing committee should look at the legislation he has had drafted. I do not think anybody would object to a good, hard look at the practices of auditing, budgeting, et cetera, for our former Presidents.

Another reason I would like to lift this debate to a higher level is that is the only way we keep the attention of the gentlewoman from New Jersey (Mrs. FENWICK). The gentlewoman has to be challenged intellectually. Unfortunately, this amendment and a few others have come too close to the difficult days we have had recently when there has been a little unnecessary partisanship.

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

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

Mr. OTTINGER. Mr. Chairman, I made quite clear this applied to all the former Presidents, including President Carter, and as was pointed out, excesses which I think have been allowed to him. This is not a question of partisanship.

Mr. DERWINSKI. Mr. Chairman, I am most upset at any cuts in Mr. Carter's budget, in a spirit of bipartisanship.

I happen to think all of our former Presidents are national assets. I realize it is still customary in some circles to criticize Mr. Nixon. I think history will treat him far kinder than he is treated at the moment by the media. I think President Ford has reached the position in the eyes of the American public that shows an admiration they have for him. I think history will treat Jimmy Carter kindly when they look at his Panama Canal Treaty, the Sinai accords, and civil service reform. He will look much better 20 or 30 years from now than he does now when he is still subject to snide political comments.

I would think if we keep in mind that our former Presidents do have obligations, they do have pressures of their former office. They are respected worldwide. I think that we should go through the proper channels at the authorization level.

I really do not think we do justice to the men who have held the Office of President of the United States for, whoever he is, whatever his philosophy, the President of the United States, during his tenure of office, is the most important political figure in the world. As former Presidents of the United States, I think they deserve our respect and appreciation.

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

Mr. DERWINSKI. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

I think the gentleman has raised the debate to a high and serious level. I think it is important that we treat

former Presidents well, that we treat them with gratitude and respect. I think that is a rather small amount of money for people who have given in a short time the equivalent of a lifetime of service to the United States. I thank the gentleman for making the point and I think it is a good thing that we discuss these matters.

These people are frequently treated with some kind of derision. As the gentleman from Massachusetts (Mr. CONTE) pointed out, they are criticized for doing things that are done by Members of this House every day; and the gentleman has made an excellent point.

I thank the gentleman for yielding.

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

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

Mr. Chairman, I am not going to take the full 5 minutes. I would like to call the attention of the House to various facts with regard to this appropriation.

First of all, our former Presidents have and continue to make a contribution to the country. The appropriation that has been made available over the years has been an appropriation recommended by the Appropriations Committee after that amount has been authorized by another committee.

The gentleman from New York (Mr. OTTINGER) has already introduced a bill, which is H.R. 3904, which has not even been the subject of committee hearings. The proper place to make any changes, I would suggest, would be on the authorization level and that no changes should be made at this time.

These funds have been specifically authorized by law. It is a benefit to former Presidents, both Democratic and Republican, and those benefits relate to their duties as former Presidents.

We may not necessarily agree with the individual in question, but nevertheless, he served this country as President of the United States. He is a former President. He is entitled to certain considerations, and those considerations have been made available to him by law.

I also agree that everything possible must be done to see to it that there is no abuse on the part of anyone in the use of these moneys. It seems to me that the assurance that I gave the gentleman from New York, (Mr. OTTINGER), when he first started the debate that the committee will look into the matter, will have some oversight capability that we will use to see to it that the proper agencies actually look into the matter to see to it that everything is being done properly; that should be sufficient.

I thought that the gentleman was going to withdraw his amendment, but that was not the case. I sincerely hope that the amendment does not come to a vote.

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

Mr. ROYBAL. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the chairman for yielding.

Mr. Chairman, this type of amendment is not new. We have had them every time we have had a former President. I can recall when I served on this subcommittee several years ago there was an amendment offered on this floor trying to take up the landing lights at the LBJ Ranch that had already been installed because some few were mad at Lyndon Johnson. That, too, was not wise.

One can go so far, but have we lost sight, have we lost faith in our committee system that this committee which has heard all the testimony, and maybe this could be cut a few dollars more, maybe it should be? I think maybe we ought to look at it. I have respect and I have faith in the committee system, that the members of this committee and the staff have examined this and cut it as much as the members think is wise to do so.

I believe our committee system is still better than trying to resolve on things like this and impose our judgment, even though we may think it is right, for the judgment of those who have heard the witnesses and heard the testimony.

I am going to support the subcommittee.

Mr. ROYBAL. May I thank the gentleman for his contribution and assure the gentleman this subcommittee will continue to look into the matter.

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

Mr. ROYBAL. I yield the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman from California.

Mr. Chairman, I must say I have substantial confidence in the chairman of this committee and the subcommittee and those that serve on it. This issue, as has already been stated, is not new. The committee, on a continuing basis, as I understand it, is always looking at those expenses to make sure that they are not unnecessary, that they are not unwarranted, and I really feel that this subcommittee, through the years, has done a job to make sure that warranted criticism is not well placed and has made sure that the appropriation itself is appropriate and correct and is not excessive.

Has this subcommittee—I ask the chairman—on a continuing basis, on a regular basis, looked at this appropriation item to make sure that it is not an unnecessary and unwarranted expense?

Mr. ROYBAL. The gentleman is correct. We have that authority.

Mr. ROUSSELOT. On an ongoing basis, the subcommittee has investigators and others who looked at this? I know during the Nixon era there was a tremendous investigative effort put forward to make sure there were not unwarranted expenses.

Mr. ROYBAL. That is correct.

Mr. ROUSSELOT. I compliment the subcommittee on this continuing effort to make sure that we are not appropriating unwarranted dollars and for their continual effort to make sure that it is, in fact, business being carried on by former Presidents in a constructive way.

Mr. ROYBAL. I thank the gentleman.

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

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

Mr. OTTINGER. I thank the gentleman from California.

Mr. Chairman, I would like to point out that I am not cutting out all money for former Presidents. I do think they deserve their recognition, but that the expenditures have now gotten to a very high point. In addition to their pensions, this total appropriation now comes to $1,106,000.

I have introduced legislation, as the gentleman has indicated. It has not been considered, but certainly it is not unusual in this body—including the gentleman from California, (Mr. ROUSSELOT)—for Members to seek to bring appropriations below the authorization level where it seems excessive.

□ 1430

I appreciate the acknowledgment of the gentleman from California (Mr. ROYBAL), that he will continue his oversight in this matter.

Mr. ROYBAL. I thank the gentleman.

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

Mr. ROYBAL. I yield to the gentleman from Wyoming.

Mr. CHENEY. I would simply like to thank the chairman. I think he has done an excellent job of presenting the case for continuing funding at its present level. I, too, would oppose the amendment and associate myself with the comments of the gentleman from California.

We expect a great deal of our Presidents. We put them through the meat grinder to elect them, we treat them with great hostility when they are there, we expect abnormal sacrifices from them, and it seems to me that the least we can do is provide the level of assistance that they require once they have retired.

I thank the gentleman for yielding.

Mr. ROYBAL. I thank the gentleman for his contribution.

AMENDMENT OFFERED BY MR. JACOBS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. OTTINGER

Mr. JACOBS. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered offered by Mr. JACOBS as a substitute for the amendment offered by Mr. OTTINGER: Page 25, line 20, strike out "$1,106,000" and insert in lieu thereof "$293,500".

(By unanimous consent, Mr. JACOBS was allowed to proceed for 4 additional minutes.)

Mr. JACOBS. Mr. Chairman, this substitute for the amendment would simply provide that former Presidents be accorded their full pensions, that their widows be accorded full pensions, and that they would continue to have Secret Service protection, and that is all that the taxpayers would have to put up.

Now, my good friend, the gentleman from Indiana (Mr. MYERS) said a moment ago, "Have we no faith in the committee system?"

Well, the House said no, yesterday. The House said no, a few days before that.

The matter of income taxes is rather complex, and it went through the committee system and was rejected summarily—a bill that was not even written in this body in any way, as I understand it. So I do not think that at this point in history we should let the argument stand entirely on whether we have faith in the committee system.

I hear another friend saying that we put our Presidents through the meat grinder. I think that is, to some extent, in the sense of a metaphor, true. But in a literal sense, we put young men who go forth to fight for their countries through the meat grinder, and some of them come out of it in far worse shape than Presidents of the United States, and the taxpayers accord them no such luxuries as are accorded former Presidents.

The chairman has said that former Presidents have made and continue to make contributions to the country. I think that is probably true. Certainly someone who has been given the privilege of being President of this country ought to be willing to make some contributions after he or she has enjoyed that privilege. But there is another thing all of the former Presidents, who are living now, have and continue to make, and that is money. Merely by serving as President of the United States, I believe the going rate now is the capacity to collect $12,000 a speech. And under these expenses that are paid for by the taxpayers, the overhead for those speeches are paid by the taxpayers; that is to say, the travel to and from, the Secret Service to go to and from.

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

Mr. JACOBS. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the gentleman for yielding.

Mr. Chairman, I do not speak for the former Presidents, but I know that, on one occasion, I was attempting to get a former President to come to our State, and the taxpayers were not going to pay for air transportation. The sponsors of the function had to, if they had the former President come.

Mr. JACOBS. Let me give the gentleman an example. I suppose there are exceptions that prove the rule. Let me give an example of President Ford's recent trip around the world for an oil company, in which the taxpayers paid for the Secret Service protection—the added expense of the Secret Service protection. I believe, at the last minute, President Ford dropped by the White House and somehow was anointed on the trip that he was going to make anyway for business purposes, and it was declared that he was making an official trip.

Generally speaking, these appropriations will pick up such expenses. I could cite examples but probably do not have time to do it.

Mr. Chairman, 4 years of service to the U.S. Government and a $70,000 pension is what I would consider treating former Presidents pretty well, actually. After all, none was treated that well until the year 1958.

The point has been made—one gentleman, I think, said in the debate—that former Presidents do not just merely have a small district; they have the whole United States as their district. That is not true. That is somewhere in the Constitution that I have been unable to define.

The former President of the United States has no official duty, and if the former President of the United States performs any official duty, funds are available to pay the expenses of the performance of that official duty. The plain fact is—Thomas Jefferson said it best, I suppose; he said, when he left the White House, "I go forth to accept a promotion from servant to master." But I do not think he meant master of other taxpayers. I think he meant that he went forth to have the highest office in the land as he conceived our Republic, namely that of a citizen, a private citizen.

That is precisely what a former President is and that is what distinguishes our society and our Government from many other societies around the world. That is one of the things in which we take pride. That was one of the basic premises and the conception of our Republic, that we were all citizens. And some of us have been given the priviledge of serving in public office.

I would suggest to the committee that the dignity of a man or a woman is not according to how many freebees or emoluments are supplied to him or her by the taxpayers, but rather how that person conducts himself or herself as a distinguished citizen of the country.

I barely mention the Bill Mauldin cartoon years ago, when the general was coming into the camp, and everyone was running around and bowing and scraping. The cook in front of the mess tent said, "One more dang mouth to feed."

After all, we are supposed to be in a society where we, as private citizens, even if we have had the privilege of serving in public office, are not supposed to be accorded any greater benefits from taxes, other than pensions, than any other citizen.

So, I believe I perceive the mood of the committee. I perceive the mood of the House on yesterday when it made what has been acknowledged to be the greatest tax cut in the history of the United States. Some say that $40 billion will have to be reduced from the Federal budget beyond what has already been reduced just to meet the projections of this administration on the deficits as we go along on the next few years. Others say—I believe Mr. Stockman has said—that in times like these, only those who can demonstrate clear need should have any call upon the Treasury of the United States.

So here is a $70,000 pension for a former President who can make $12,000 for a speech, write books, and make a million dollars from them, appear on television and get tens of thousands of dollars. At the same time, it is being proposed that the person who is 61 years old today and who has worked a lifetime in the social security system should forget about it next year under a promise for 80 percent of his or her retirement benefits if he or she plan to retire next year.

There is a great incongruity about this. There is a great incongruity about the tremendous tax cut. There is a great incongruity about the cuts that are taking place now in the Congress. Contrast that with the taxpayers of the United States picking up the expenses of the traveling tours and the speaking engagements of ex-Presidents of the United States, who collect the $12,000 and pocket it, and only give that part of it that the reduced taxes require to the U.S. Treasury.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the substitute amendment and the amendment I suppose was something that was beneficial to this House from the standpoint that various indiscretions, perhaps various violations or alleged violations, were pointed out to the Members.

But on the other hand, I think we have a situation here where we are trying to reduce an amount in an appropriation bill without the benefit of a public hearing.

Maybe all of these things that have been said are true. But if they are, they should be made available to an authorizing committee in an open public hearing so that they can be amply discussed and debated, and then that authorization committee can do its work by looking into the situation very carefully and then making the proper recommendation.

□ 1440

So I feel that while all of this may have been beneficial, I still contend that this is not the place to make this kind of a reduction.

I assured the maker of the original motion that the committee would look into this matter. We are mindful of the fact that we have that authority. We want to do something about the situation, if it in fact exists.

The committee will continue to do its utmost to see to it that if these violations do occur that they cease immediately. We will all be insisting that the authorizing committee provide the necessary guidelines that the committee and the House can follow.

So I say to the House, Mr. Chairman, that the proper place will be and should be the authorizing committee and at that time Members of the House of Representatives can go before that committee and present their testimony. They can be heard there just as well as any member of the public. That is the place where these complaints should be made. These recommendations should strongly be recommended, of course, and make it possible for the authorizing committee then to look into this matter thoroughly and then make the proper recommendation to the House of Representatives, first of all, to the Committee on Appropriations who has to follow the authorizing level before anything can be done.

We cannot appropriate over an amount that has been authorized. We have to follow the limitation of the authorizing legislation.

So I firmly believe that this matter should definitely go to the level of the authorizing committee where it can be properly aired and debated and the proper recommendation made both to the Committee on Appropriations and to the House of Representatives.

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

Mr. ROYBAL. I yield to the gentleman from Indiana.

Mr. MYERS. As I understand the amendment now pending as a substitute, it would allow no travel for Secret Service who are by law required to protect our Presidents and Vice Presidents, thereby really compelling the President and Vice President; am I correct on that?

Mr. ROYBAL. That is not correct.

Mr. MYERS. There would be travel allowed, there is travel money in the gentleman's amendment for Secret Service?

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

Mr. ROYBAL. I yield to the gentleman from Indiana.

Mr. JACOBS. I thank the gentleman for yielding.

My understanding is that this amendment does not touch Secret Service protection in any way.

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

Mr. Chairman, I do not intend to use the 5 minutes.

I commend the chairman of the subcommittee for his comments and I do think that this should properly be aired in a forum before a legislative committee.

However, I think as we do that we must recognize that the former Presidents are an asset for this country. Because of the knowledge that they have, their ability to communicate, sometimes conflicting opinions with a present administration even, are valuable to the American citizens. Some of the work that they are supported in doing is in communicating, is in dealing with a constituency that was theirs.

I think we have to ask ourselves as we attempt to curtail them, would we in fact run the risk of losing that service or seriously cutting off the services of their ability, not in the context of going to make a speech, but literally as a spokesman on policy.

Would we silence that voice or would we put it strictly on a basis where they had to go and be compensated for the purpose of speaking.

I realize, and I think any of us who look at it realize that of the vast numbers of speeches made by former Presidents, Carter, Ford, or Nixon, I do not think we will find the compensation. Yes; there are those for compensation. I think we will find many who are not for compensation, who are for the public good, that they are in fact staying involved in keeping the public informed.

I think we would curtail them.

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

Mr. CAMPBELL. I yield to the gentleman from Indiana.

Mr. JACOBS. I thank the gentleman for yielding.

Would the gentleman be content to have a proviso that the speeches that do command honoraria, that in connection with those speeches travel expenses would not be paid and even maybe even office time that is used for booking those profitable speeches, that that would be charged to the profit made by the former President?

Mr. CAMPBELL. I think there again we would be in a situation of bringing this before a legislative committee. We should bring it before a legislative committee and should discuss it and should have an action on it. I certainly would find that less objectionable than I do the amendment here.

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

Mr. CAMPBELL. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the gentleman for yielding.

My friend from Indiana confuses me. A moment ago I asked if travel were covered by the amendment of the gentleman from Indiana and the gentleman said, no.

Mr. JACOBS. If the gentleman will yield.

Mr. MYERS. In the colloquy earlier the gentleman from Indiana responded, when I inquired that the sponsors of the speech in Indiana were required to pay the former President's transportation. Yet, in the well, the gentleman said, yes, but the Secret Service has to go along, all that expense. Now the gentleman is going back again to say it is not covered. Which is it?

Mr. JACOBS. The gentleman from Indiana is quite right, he is confused.

Mr. MYERS. I may not be the only one from Indiana confused. That is what bothers me.

Mr. JACOBS. Well, I might say I can explain it to the gentleman, but I cannot comprehend it for him.

I simply said travel expenses would be covered here, in this amendment, but Secret Service protection would not.

In other words, the plane fare for the ex-President is involved in these appropriations, but not the expenses of the Secret Service for their equipment and for their presence to protect.

Mr. CAMPBELL. If I may reclaim my time, I think we have devoted a sufficient amount of time to this subject.

I would say in closing obviously there is some confusion, obviously the matter should go before a legislative committee to be discussed, and I do not think that this is the proper time to make such a far-reaching decision and I think that the chairman of our subcommittee was absolutely correct and I think that we should defeat this amendment.

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

Mr. CAMPBELL. I yield to the gentleman from Indiana.

Mr. JACOBS. If the gentleman will yield further, I think it should be understood, as I understand it, the Secret Service protection is not covered under this appropriation at all, it is covered under the appropriations for

the Treasury Department. It simply is not involved here. There should not be any confusion about that.

Mr. CAMPBELL. If I may reclaim my time, I am not questioning that argument. I yielded time for someone else. I think that the whole matter is such that it should in fact be put aside at this time and that we should proceed as the committee has presented this bill to the full body.

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

I think the question now has been adequately discussed. I think what the gentleman from Indiana (Mr. JACOBS) and I and a good many other people who have spoken to us, the point we are trying to make is that the expenses covered by the taxpayers have grown excessive, and we would like the Appropriations Committee to take this into account.

I do have legislation in to cut back funds for former President's office expenses through the legislative committee. But this is the first time I ever heard the Appropriations Committee assert that it was not its job to decide within the authorized level what that appropriation ought to be.

I do think our efforts to cut are in the appropriate place; we think this appropriation is too high and we appreciate the commitment, at least on behalf of the chairman, to examine the question of these levels in the future.

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

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

Mr. ADDABBO. I thank the gentleman for yielding.

The gentleman is correct in what the chairman has said. We do look at the question, what they have brought before us, what the gentleman has discussed, and the gentleman from Indiana has discussed possibly other corrections, and that should go to the legislative committee. What happened is that the committee justification is the amount that has been provided here.

Mr. OTTINGER. I would be enormously appreciative if my friend from New York would speak to the gentleman from Illinois (Mr. YATES) and the gentleman from Alabama (Mr. BEVILL) in that respect with regard to our energy authorization. We have always authorized a great deal more than they have seen fit to give us in appropriations and if they would abide by our guidance a little better, I think the whole country would be better for it. Indeed, the gentleman from Alabama (Mr. BEVILL) just recently appropriated moneys for the Clinch River breeder reactor that the legislative committee had deauthorized.

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

Mr. OTTINGER. I yield to the gentleman from South Carolina.

Mr. CAMPBELL. I thank the gentleman for yielding.

We realize that we in appropriations obviously have the right to cut funds from the authorizing level. I do not recall this argument being made before our subcommittee. I do not recall the gentleman preparing us, giving us the information, giving us the opportunity to go into the particular subject, of presenting his views.

Quite frankly, as a member of that subcommittee, I missed it if the gentleman did that. He might be able to better inform us as to whether he came to the committee.

Mr. OTTINGER. I will reclaim my time. I have written to the subcommittee. I have introduced legislation of which the chairman was aware. I do not know whether we wrote this time or not. I introduced a similar amendment on the floor last year.

I think the committee is now on notice that there is serious concern about these levels and I think we will appreciate a closer examination of the question in the future.

I yield back the balance of my time.

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

Mr. Chairman, I subscribe to the thoughtful suggestion of the gentleman from New York. We have had more than enough debate on the subject, but truth compels me to observe that the gentleman from Indiana (Mr. JACOBS) had once been described in certain media outlets as being a flamboyant dresser. I wish the record to show that he is dressed in a very sedate, proper fashion this afternoon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS) as a substitute for the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment offered as a substitute for the amendment was rejected.

□ 1450

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

Mr. Chairman, I simply want to point out that I have circularized the members of the committee earlier, several days ago, a few weeks ago, concerning the points, both those made by Mr. OTTINGER and the points I made myself. I would like to answer one suggestion, however, that was made earlier in the debate, that perhaps there is some umbrage on the part of those of us who advocate those changes toward one or more of the former Presidents.

I would like to say for my own part that simply is not true. Someone said that President Nixon would eventually be judged better by history than he is now. That is for history to tell us, but I can tell the Members that my father and President Nixon are dear friends. They served together on the same committee in the House of Representatives, and nobody in this country, I think, was more hurt at the developments of Watergate than my father. I felt quite hurt by that as well.

I bear no umbrage to any former President. I bore no umbrage toward Speaker McCormack when he left, and special funds were voted by the House for a special office for him. I simply thought that those things are not ours to give. They belong to the taxpayers. That is why I think this amendment should pass.

The CHAIRMAN pro tempore (Mr. BEILENSON). The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 506. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions, or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulation, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order against the provisions of title V?

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I make a point of order against section 506, on page 34.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. FRENZEL. Mr. Chairman, I am making a point of order against section 506 under rule XXI, clause 2, which provides that, with respect to appropriation bills, "Any provision in any such bill or amendment thereto changing existing law * * *" shall not be in order.

Simply, it is legislating on an appropriation bill. Section 506 provides authority to the Administrator of General Services or his designee to make determinations as to the availability of a

sufficient quantity or satisfactory quantity of stainless steel flatware produced in the United States or its possessions. The operative language is on line 14 of page 34, where the Administrator, or his designee, "* * * shall determine * * *"

The designation of that authority goes beyond the limitation of funds which are the subject of this appropriation. It imposes additional duties, not now required by law, on the Administrator of the General Services Administration, and it thereby constitutes an effort to change existing law under the guise of a limitation.

Therefore, Mr. Chairman, I make my point of order against section 506.

The CHAIRMAN pro tempore. Does the gentleman from California (Mr. ROYBAL) desire to be heard?

Mr. ROYBAL. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. ROYBAL. Mr. Chairman, I would like to inform the gentleman that the committee does concede the point of order at this time.

The CHAIRMAN pro tempore. The point of order is conceded and sustained.

Are there other points of order against the provisions of title V?

Are there any amendments to title V? If not, the Clerk will read.

The Clerk read as follows:

SEC. 611. Funds made available by this or any other Act to (1) the General Services Administration, including the fund created by the Public Buildings Amendments of 1972 (86 Stat. 216), and (2) the "Postal Service Fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section, and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b) attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Are there any points of order against any provisions of title VI?

POINT OF ORDER

Mr. WEISS. Mr. Chairman, I raise a point of order to section 611, only that provision on page 41, line 18, from the word "but" through the word "section" on line 20. I make exactly the same objection raised by the gentleman from Minnesota (Mr. FRENZEL) in that it seeks to change existing law in an appropriation bill. It specifically seeks to waive section 40, United States Code, section 318, which restricts criminal jurisdiction only to certain Federal property.

The CHAIRMAN pro tempore. Does the gentleman from California wish to be heard on the point of order?

Mr. ROYBAL. Mr. Chairman, the committee concedes the point of order.

The CHAIRMAN pro tempore. The point of order is sustained against line 18, beginning with the word "but", line 19, and line 20 with the exception of the word "and".

Are there any other points of order against the provisions of title VI?

AMENDMENT OFFERED BY MR. ERTEL

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

The Clerk read as follows:

Amendment offered by Mr. ERTEL: Page 43, immediately after line 21 insert the following new sections:

SEC. 617. Except for services provided for the President and Vice President and their families, none of the funds provided in this Act to any Department or Agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such Department or Agency.

SEC. 618. Except for vehicles provided to the President, Vice President and their families, or to the United States Secret Service, none of the funds provided in this Act to any Department or Agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

The requirements of this section may be waived by the Administrator of the General Services Administration for special-purpose or special-mission automobiles.

Mr. ERTEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ERTEL. Mr. Chairman, it is my understanding that the committee will accept this amendment. It is an amendment which I have presented previously. This amendment would prohibit funds under this section from being used for a chauffeur, personal cook, or other personal services. In addition to that, the amendment provides that any vehicle purchased under this act shall, in fact, have an EPA rating in excess of 22 miles per gallon.

The amendment also provides for a waiver of that provision in the event that the Administrator of the General Services Administration determines it is necessary for a special mission or a special purpose. The reason for the last section is because they have emergency vehicles, police vehicles and other types of emergency vehicles which may not meet that particular requirement. However, for a normal standard passenger automobile, it should in fact exceed an EPA rating of 22 miles per gallon.

In addition to that, it excepts from the vehicle provision the vehicles for the President of the United States, the Vice President, and their families and the Secret Service; the reason being, of course, that they have special-type vehicles which would require extra protection that would not reach the limitations as required in the act.

□ 1500

I might point out that since I have started to offer this type of amendment I have been getting a lot of communications in my office about private chauffeurs and abuses of the Federal exchequer. People have been dropping in to my office and dropping off statements to me showing where, in fact, Federal bureaucrats have been abusing tax dollars. Although it does not relate directly to this particular amendment, because this act only applies to Treasury and Post Office. I just thought I might share with the committee some of the things that have come to my office. I do not know if this letter is true or not; it was an anonymous letter delivered to my office. However, I will certainly report to the committee if it turns out to be correct.

The letter states as follows:

Congressman ALLEN ERTEL,
Washington, D.C.

DEAR CONGRESSMAN ERTEL: Good for you with your car or limo amendment! Here is a case.

SBA's new Administrator, Michael Cardenas, has just gotten himself a new government car—top of the line Olds 98, white, mag or wire wheels, landau roof, leather seats, the works. SBA had two 1980 cars, Buick and Olds, with plush seats and telephones, but standard blue in color and apparently not suitable.

What does an SBA Administrator do with a car and a chauffeur? Ride back and forth from Capitol Hill a couple of times a week, go to lunch, get picked up at home in the morning, taken home at night, get driven to parties with his wife.

GSA is said to have objected, refused to buy such a car. It arrived this week and apparently was leased to get around GSA. Someone over at GSA might be helpful to you on this one.

This sort of thing has been bad enough for years, but intolerable when we are cutting money for old folks and poor kids.

SBA has an inspector-general who is supposed to guard against waste, fraud and abuse. He has to know about the car. He can't walk out of the building without seeing it. You might try asking him, in writing, whether he, as inspector-general, thinks this use of public money is justified or a waste.

Mr. Chairman, I intend to follow up with the Inspector General to see if this is true. I do not know. But the point is that my amendment would prevent this kind of activity, which if true certainly is not justified at taxpayers' cost. It just seems to me that what we ought to do is insist that in our efforts to economize—we include the bureaucrats as well as the American people.

That is why I ask that this amendment be adopted. I think it makes sense. It cuts out private chauffeurs, it cuts out private servants and also waiters, and in addition to that, it provides for a standard mileage for our automobiles, which would be a help to the energy problem.

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

Mr. Chairman, in view of the fact that the requirements imposed by this section can be waived by the Administrator of the General Services Administration for special purpose or special mission automobiles, the committee does in fact accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ERTEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASHBROOK

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

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: Page 43, after line 21, insert:

SEC. 617. No funds appropriated by this Act shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions, except where the life of the mother would be endangered if the fetus were carried to term, under such negotiated plans after the last day of the contracts currently in force.

Mrs. SCHROEDER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The gentlewoman from Colorado (Mrs. SCHROEDER) reserves a point of order on the amendment.

The gentleman from Ohio (Mr. ASHBROOK) is recognized for 5 minutes in support of his amendment.

Mr. ASHBROOK. Mr. Chairman, my amendment is consistent with past actions of this body and I am told that it is in accord with the Reagan administration's postion on abortion. I believe that most of my colleagues will be able to support it.

Last year, during consideration of the Treasury-Postal Service appropriation bill, I offered an antiabortion amendment which was adopted by a vote of 228 to 170. The amendment was offered again on May 13 of this year during consideration of the supplemental appropriation bill for fiscal year 1981. It was again adopted by the House—this time by a vote of 242 to 155. I am told that the May 13 vote on the Ashbrook amendment represented the largest margin ever given an antiabortion amendment in the House of Representatives.

I want to stress that this amendment does not prohibit a Federal employee from having an abortion. It does prohibit taxpayer participation in the abortion and this is consistent with past actions by this Congress.

The Congress will place itself in a very unusual position if it fails to adopt this amendment. Both the House and the Senate have agreed to ban medicaid-financed abortions yet we have no ban on taxpayer-funded abortions for Federal employees. The Congress has voted to ban federally funded abortions for poor women yet we have been unsuccessful in our attempts to eliminate abortion funding who most probably would not be classified as poor—Federal employees and their families, Members of Congress, White House personnel and their families. It is a strange paradox.

I also want to address the cost to the taxpayers as a result of present policy. We are not talking about a small amount. It is estimated that 25,000 abortions were performed under the Federal employee health plans in 1980, reimbursed under FEHB at an average cost of $625. At that rate, the total reimbursement would be in the neighborhood of $16 million. The cost to the taxpayers—most of whom would not want their tax dollars being used to subsidize abortions—is indeed significant.

Mr. Chairman, let me respond to some of the points raised by my colleagues in opposition to the Ashbrook amendment. I received a "Dear Colleague" letter yesterday, signed by my good friend from Michigan, BILL FORD, chairman of the Post Office and Civil Service Committee and nine of his Democratic colleagues on the committee. The letter urged defeat of the amendment.

My colleagues argue that adoption of the Ashbrook amendment would make the Federal employees health benefit plans less attractive. Let me respond again by stressing that my amendment does not reduce employee coverage in any area other than abortions.

My friends on the other side of the aisle also argue that "the head of every major employee organization has expressed displeasure that Congress may interfere with this organizational tool." Mr. Chairman, I can only add that Government employee unions must be in pretty bad shape if the absence of abortion coverage in an insurance plan would cause great damage to the union.

Finally, the opponents of this amendment argue that "the Ashbrook amendment would make Federal employees and their families the only employees who are precluded, by law, from having abortion coverage included in their health benefit plans. No similar provision applies in the private sector." That is correct. But employees in the private sector do not have their health plans subsidized by the taxpayers.

Mr. Chairman, I believe that most of my colleagues will be able to accept the amendment. I urge an "aye" vote.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentlewoman from Colorado (Mrs. SCHROEDER) insist on her point of order?

Mrs. SCHROEDER. Mr. Chairman, I think it is clear that this is legislation on an appropriations bill, but at this point I will not push that point of order.

Mrs. FENWICK. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I will be delighted to yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Why is the gentlewoman not pushing the point of order?

The CHAIRMAN. Does the gentlewoman from Colorado (Mrs. SCHROEDER) reserve her point of order?

The gentlewoman is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Chairman, if I may yield to the gentlewoman from New Jersey, the problem is that my assumption is that if my point of order were sustained the gentleman will then offer a more restrictive amendment which would be even worse.

Mr. ASHBROOK. Mr. Chairman, if my colleague will yield, in the interest of compromise I have talked to the chairman so we could rapidly get this matter dispatched. We have had eight pages of debate on it.

Clearly, the gentlewoman's point of order would lie. I will offer another amendment—and that amendment is at the desk—if the point of order is raised.

From my point of view, it would be better to have an up-or-down vote on the language as I have presented it at this point. Obviously a point of order could be sustained.

Mrs. SCHROEDER. Does the gentleman consider medical complications resulting from an abortion a portion of what the gentleman has put in the exemption in this amendment?

Mr. ASHBROOK. Mr. Chairman, if my colleague will yield, if she would care to use this as a vehicle and offer an amendment of that type herself, all right, but I am not going to offer it. We could start with this, and if the gentlewoman wants to offer it, that would be a good place to debate the issue.

Mrs. SCHROEDER. But this clearly does not rule out medical complications from an abortion.

Mr. ASHBROOK. No; it does not, except where the life of the mother would be endangered if the fetus were carried to term.

The gentlewoman is very correct and precise on that point, from my understanding. Of course, we never know sometimes what the courts might say, but in the understanding of the gentleman who is offering the amendment, the answer to the gentlewoman's question would be yes.

Mrs. FENWICK. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank my colleague for yielding. I would like to——

The CHAIRMAN pro tempore. Does the gentlewoman from Colorado (Mrs. SCHROEDER) reserve her point of order?

Mrs. FENWICK. Mr. Chairman, I reserve the right to object.

Mrs. SCHROEDER. Continuing to reserve my point of order, Mr. Chairman, I yield to the gentlewoman from New Jersey.

The CHAIRMAN pro tempore. The gentlewoman from New Jersey (Mrs. FENWICK) seeks her own recognition and is recognized for 5 minutes in opposition to the amendment.

Mrs. FENWICK. I thank the Chairman.

Mr. Chairman, may I make this inquiry of the author of the amendment? I am not privy to these arrangements or agreements or compromises, but if I understood correctly what the gentleman said, the proposal here is to deny an abortion except when the life of the mother is in danger under any kind of insurance that Federal employees may have.

Now, what we are saying in effect is that if one is married to a general who has the money to pay for an abortion that may be necessary, although the woman's health—not her life—is in danger, she will be cared for, but if one is married to a soldier who has nothing but his pay, the insurance will not cover that legal procedure which may be necessary to protect her health because her life is not in danger. Is that correct?

Mr. ASHBROOK. Mr. Chairman, if my colleague will yield, I do not believe that is what we are saying. I think it is a little bit of a reverse of that.

What we have already said and what the Supreme Court has affirmed is that the Congress of the United States has a right to withhold taxpayers' funds from medicaid abortions, which in effect includes the poor and more indigent people.

What my amendment says in effect is that with the taxpayers paying 60 percent of the funds in taxes to provide for private insurance, we are saying to these more affluent Americans, "The same shall be applied to you."

So it is not exactly the way the gentlewoman put it. But as for anyone within the military, anyone who is currently getting medical pensions, the military would not be reached by my amendment. The military comes under a different provision.

I am talking about Federal employees who have as a part of their compensation taxpayer-provided or at least taxpayer-participated insurance as a benefit. We are saying that insurance could not be used.

Mrs. FENWICK. But suppose they are in a low grade; suppose they are just starting out in life and they are young?

Mr. ASHBROOK. It would be the same for the low grades as it is for the highest grades.

Mrs. FENWICK. In fact, it is a great penalty for the people in the lowest grades.

I do not know how we can go on debating this and use money to force things on people when they are poor or when they are unable to pay for a legal procedure which is available to any person with money.

Does it not seem to strike anybody in this hall as unfair? Does it not seem somehow unfair that we are using money against those who have little of it and saying, "You can't have what the rich have because you haven't enough money to pay for it?"

□ 1510

Mr. ASHBROOK. Well, if my colleague would further yield, I do not believe that is the situation, although I certainly understand the gentlewoman's position.

Mrs. SCHROEDER. Mr. Chairman, further reserving the point of order, it is my understanding that when the Civil Rights Act was amended by the Pregnancy Disability Act of 1978 that there were two main concerns, and that was the life of the mother and medical complications arising from an abortion.

My understanding is that the gentleman's amendment would comply with those two legislative mandates already in the law.

Mr. Chairman, based on that, I would withdraw my point of order.

The CHAIRMAN pro tempore. The point of order made by the gentlewoman from Colorado is withdrawn.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

I want to make it perfectly clear that no agreement was made and that no compromise was made with regard to this subject matter. At the time of general debate I did state that I was going to ask that debate be limited to approximately 10 minutes.

Mr. ASHBROOK. Mr. Chairman, will my colleague yield?

Mr. ROYBAL. I yield.

Mr. ASHBROOK. My colleague absolutely states the situation. If there was any inference read other than that, I apologize. I do not know how my language could have been construed, but that is precisely what my colleague agreed upon. We had seven pages of debate 1 year ago. Most of us know the issue. It was the thinking of the person offering the amendment in acceding to the request of the chairman to speed this bill along that I had no objection. I cannot speak for any other Members; but the gentleman states the case absolutely correctly.

I offered a similar amendment last August during consideration of the Treasury-Postal Service appropriation bill and it was adopted by a vote of 228 to 170. The amendment was offered again on May 13 of this year during consideration of the supplemental appropriation bill for fiscal year 1981. It was again adopted by the House—this time by a vote of 242 to 155. I am told that the May 13 vote on the Ashbrook amendment represented the largest margin of victory ever given an anti-abortion amendment in the House of Representatives.

In 1980, the Treasury bill failed to be enacted into law by the Congress and this provision was not included in the continuing resolution. Last May, the amendment failed to survive the conference committee deliberations. I am confident that the House will again adopt my amendment and I am hopeful that the other body will do likewise.

I want to reiterate that this amendment does not prohibit a Federal employee from having an abortion. It does prohibit taxpayer participation in the abortion and this is consistent with past action by the Congress. I am also told that the Ashbrook amendment is in accord with the Reagan administration's position on abortion.

The Congress has placed itself in a very unusual position. Both the House and the Senate have agreed to ban medicaid-financed abortions yet we have been unable to ban taxpayer-funded abortions for Federal employees. The Congress has voted to ban federally-funded abortions for poor women yet we have been unsuccessful in our attempts to eliminate abortion funding for women who most probably would not be classified as poor—Federal employees and their families, Members of Congress and their families. It is a strange paradox.

Mr. Chairman, yesterday, I received a "Dear Colleague" letter regarding the Ashbrook amendment, signed by my good friend, the gentleman from Michigan, BILL FORD, the chairman of the Post Office and Civil Service Committee, and cosigned by nine of his Democratic colleagues on the commit-

tee. The letter urged the defeat of the Ashbrook amendment.

Let me respond to some of the points raised by my colleagues in the letter:

Point No. 1: Adoption of the Ashbrook amendment would make the Federal Employee Health Benefit Plan less attractive. Let me just respond to that by again saying that my amendment seeks only to limit abortion coverage. It does not reduce employee coverage in other areas.

Point No. 2: And I quote from the letter:

> The head of every major employee organization has expressed displeasure that Congress may interfere with this organizational tool.

Mr. Chairman, I can only add that Government employee unions must be in pretty bad shape if the absence of abortion coverage in an employee health plan would devastate the union.

Point No. 3: And again, I quote:

> The Ashbrook amendment contains "no life of the mother" exemption. It is a drastic, inflexible prohibition which is not supportable on any ethical grounds.

I think that point needs some clarification. My colleagues are familiar with the rules of the House and know full well that any "life of the mother" exception added to this amendment would constitute legislation on an appropriation bill and would be subject to a point of order. My colleagues will recall that the original Hyde amendment did not include a "life of the mother" provision for that very reason. The exception can be included in the other body and in the conference committee.

Point No. 4:

> The Ashbrook amendment would make federal employees and postal workers the only employees who are precluded, by law, from having abortion coverage included in their health benefit plans. No similar provision applies in the private sector.

That is correct, Mr. Chairman. But employees in the private sector do not have their health plans subsidized by the taxpayers.

I also want to address the cost to the taxpayers as a result of current public law. We are not talking about a small amount. It is estimated that approximately 25,0000 abortions were performed under the Federal employees health plans in 1980, reimbursed under FEHB at an average cost of $625. At that rate, the total reimbursement would be in the neighborhood of $16,000,000. The cost to the taxpayers—most of whom would not want their dollars to subsidize abortions—is indeed significant.

Mr. Chairman, I believe that most of my colleagues will be able to support this amendment and I urge adoption of the amendment.

Mr. ROYBAL. I thank the gentleman for that statement. I just wanted to make sure that we all understood that there was no agreement and no compromise; however, I still oppose the amendment.

I do firmly believe that the right of the individual is paramount in the matter of abortion; but in this amendment we are not talking about the Federal money being used to fund abortions. Health insurance is a form of employee compensation similar to salary and it is paid by the employee as well as the employer.

The fact that the Federal Government is the employer does not justify cutting the employee's own wage package by eliminating abortion coverage.

Now, to adopt this amendment would be to infringe on the rights of labor to engage in collective bargaining. The amendment goes so far as to contradict labor protection only recently assured by Congress in two major pieces of legislation, and that was the Civil Service Reform Act and, second, the Pregnancy Disability Act of 1978.

Now, I am not going to continue to express my views with regard to this subject matter, because I would like to limit this debate; I will state simply that I am not in favor of this amendment; and that the debate that we have had in the past has been more than ample.

Mr. Chairman, I ask unanimous consent that all debate on this subject matter close in 15 minutes.

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

Mrs. SCHROEDER. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

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

Mr. Chairman, I join the distinguished chairman of the subcommittee in opposing this amendment. I think he has stated the case well, that this is a very different situation from the other cases in which this House has adopted restrictions on the use of Federal funds to procure abortions.

In this case the health insurance which an employee receives is part of the employee's compensation. It is no different from a pension, a salary, sick leave or vacation pay. It is remuneration to the Federal employee for the work that she has done.

We are going many, many steps beyond what we have done in other forms of antiabortion amendments when we seek to deny the Federal employee this form of coverage in the health insurance that she gets as compensation—and to which she contributes.

I think that is plainly wrong. Would anyone here argue that a Federal employee under the present law and under the present constitutional determinations of the U.S. Supreme Court cannot take the dollars that she receives from the U.S. Government as her pay and in accordance with her own decisions and those of her physician pay for an abortion? Of course no one would argue that, and we all know that under the Supreme Court decisions relating to the abortion question, it would be unconstitutional if we tried to prevent that.

I submit that it is just as wrong when that compensation to that employee comes in the form of health insurance, as when it comes in the form of cash, to deny that employee the compensation that she has earned. It is simply making second-class citizens out of Federal employees. I do not think the Congress of the United States wants to do that.

It seems clear to me that this is an attempt to dictate to individuals what they can or cannot do with their own pay, based solely on their status as Federal employees.

I therefore urge my colleagues to oppose this amendment.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the last word. I rise in opposition to the amendment.

Mr. Chairman, I think it would be unfortunate if this discussion of the Ashbrook amendment was perceived by anyone to be a debate on the issue of whether abortion is or is not a morally or legally acceptable medical procedure.

As chairman of the Committee on the Post Office and Civil Service, which has primary responsibility for representing the House in matters affecting the employment of all of the Federal work force, I think it is my duty to call to the attention of the House an exchange which I had last year with the Director of the Office of Personnel Management and my predecessor, Mr. Hanley. If one can avoid for a moment the emotion which the word "abortion" injects into any discussion, we are talking about well over 3 million employees and their families and dependents.

The gentleman from New York suggested that this is discrimination against female employees. Indeed, it goes much further than that, because it selects out family members who are in the child-bearing years.

In a practical sense, what we are faced with is the fact that at the present time we have more than 100 negotiated contracts with various health benefit carriers which are available to the employees of the Federal Government.

If a Federal employee elects a health program, the Federal Government will pay 60 percent of the premium while the employee pays the balance. The same holds true for private employees. For postal employees, we pay 75 percent of the cost of the premium and the balance is paid by the employee.

The amount that the employee pays and which the Government pays is based on family size and other considerations; but primarily it is based on the content of the contract and what the health carrier agrees to provide in the way of benefits.

Now, in the event that the Ashbrook amendment or any amendment of this kind is adopted, it would require the renegotiation of all these 100-plus health contracts. Adoption of this policy would be a reduction in benefits, no matter how seldom it has been used. And I have no idea how many abortions are paid for because there is no Government agency which asks for an accounting of how people use their health insurance after it is purchased. We do not keep track, so any assertions which are made by someone about how many abortions have been financed in this way is pure guesswork. We do not monitor how many appendectomies are paid for and how many hangnails are removed or any other medical procedure which may occur at any place across the country in private health care facilities which the employer or the employee dependent chooses to use.

Last year when this amendment was offered, Mr. Hanley asked the Civil Service Commission, now the Office of Personnel Management, what the impact on health benefit plans would be. I would like to read a part of the response which came from the Deputy Director of the Office of Personnel Management.

□ 1520

It appears to us that the practical effect of this amendment would be to require the Office of Personnel Management to reopen contract negotiations with the various health benefits plans in order to add to the 1981 contracts an exclusion for abortions. Since the 1981 contracts have been, for the most part, substantially completed, this reopening of negotiations would be a substantial administrative burden.

I might say parenthetically that this is exactly where we find ourselves in the process at this very moment. These contracts have, indeed, been through the process of negotiation. It is a long and expensive process for the Government, for the unions which participate, and for the other employee organizations. The whole process would have to be repeated. According to OPM—

We would have to, for instance, reexamine the present benefit and premium structures to see if the exclusion of abortion coverage would necessitate an offsetting premium reduction or, in the alternative, allow an increase in some other benefit coverage.

This year, the committee renewed its inquiry on this issue with the Office of Personnel Management when it became aware that such an amendment might be offered. There has been a change as a result of the election last fall in that office, and I would like to read my colleagues the short, very direct, clear and concise response which we received this year. The letter is from Mr. Donald Devine, Director of the Office of Personnel Management.

The letter reads as follows:

DEAR MR. CHAIRMAN: This letter is in response to a July 21, 1981, inquiry on your behalf by Mr. Pierce Myers of the Committee Staff concerning OPM's position on a possible amendment to the Treasury Postal Appropriations Act by Congressman John Ashbrook. As we understand it, the amendment would ban the use of federal funds for abortion under the Federal Employees Health Benefits (FEHB) program.

I believe this is an unfortunate choice of words, indeed. It clearly illustrates that whoever wrote the letter for Mr. Devine does not understand the Ashbrook amendment and seems to have less than adequate experience.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(By unanimous consent Mr. FORD of Michigan was allowed to proceed for 2 additional minutes.)

Mr. FORD of Michigan. It falls short of their responsibility over there to protect the integrity of the employees' health plans.

The next sentence, however, indicates that there has been a complete change in attitude over there. The sentence reads:

The Ashbrook amendment is in accord with the administration's position on abortion.

I must say I am disappointed that the Director of the Office of Personnel Management misses the entire point. It is not of interest to me what the administration's position on abortion is. I asked the principal official in this Government responsible for the enforcement and administration of employee rights to tell me what the impact of this amendment would be on employee rights. Instead of an answer to that question, what I received is an assertion that the Director of the Office of Personnel Management, by whatever device this is communicated to him, is familiar with "the administration's position on abortion."

I do not know whether that is Mr. Stockman's position, Mr. Meese's position, the President's position, or what it means—this so-called administration's position. It is irrelevant what the administration's position is on abortion.

The real question is whether or not we are going to legislatively interfere with the contractual rights which 3 million Federal employees and their families now have. That is the only question which my committee directed them to answer.

I think the previous chairman of the committee—and I have taken the same position on this issue, even though I know that we voted differently on the issue of abortion when it came up. So it is not the issue of abortion that is before us; it is simply a question of the integrity—the integrity of the Federal work force, and its Federal compensation system.

I have nothing but the highest respect for the gentleman from Ohio. I have worked with him for many, many years. I know that this is not a mischievous amendment. It is one more way that somebody can claim that they voted on the issue of abortion, whether they are for it or against it. I submit to the American people that anyone who claims that a vote on this amendment is a clear-cut vote on whether abortion is or is not a good thing is committing a fraud.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(By unanimous consent Mr. FORD of Michigan was allowed to proceed for 2 additional minutes.)

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

Mr. FORD of Michigan. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. I thank my colleague for yielding. I believe my friend and colleague has made his position clear. He has always been very direct and to the point, and always very accurate.

But I honestly think the gentleman has overstated one case when he indicated this might mean opening up all negotiations, might make a loss of benefit, change of premium. My colleague knows very well, as a user of insurance in many areas, that insurance policies change weekly, monthly. Medicines and prescriptions that one could get last year may be banned this year. Techniques that were used last year may not be used this year.

There are changes all of the time on insurance policies. This is merely one more change.

I do not think there is any diminution of benefits, and I think my colleague knows all insurance policies are in a state of flux at all times. As a matter of fact, sometimes the Government even impacts on insurance policies. Things that are promised and insured today may not be insured next year.

So I understand the specter that my friend is holding out, but I wonder if honestly he believes that this would have that much of an impact on insurance policies and the 3 million employees the gentleman is talking about.

Mr. FORD of Michigan. I think the gentleman and I have been able to understand that he is generally perceived to be more conservative than I am.

Mr. ASHBROOK. Not much. A little bit.

Mr. FORD of Michigan. I find myself somewhat in a quandary to be taking what I believe to be the true

conservative position on this kind of an action. I really do not think that we should clutter up the contractual obligations which have been entered into between the Government, its employees, other organizations and private insurance companies with these kinds of extraneous matters.

There are health insurance policies, such as he or I might purchase individually, not to be found as part of a group plan covering public employees, but which could include items which have been "negotiated out" of the group plan. This could result when a private company is willing to take a risk on a particular option because it has enough subscribers desiring a certain type of coverage that it is financially profitable for them to do so. Indeed, we would expect, with 3 million people to pick from, these plans would generally be more generous than anything that an individual could buy with their own money.

Mr. BURGENER. Mr. Chairman, I move to strike the requisite number of words and rise to speak against the amendment.

I used to vote differently on this particular issue and I believe I was wrong. I have changed my position.

I have always supported the Hyde amendment, restrictive in a different way, involving social programs. And I will continue to do so. I do not, however, think the issues are at all parallel.

I think in this particular case, if I am not mistaken, we are dealing with the earnings of Federal employees, in this case female employees. I think it is really none of our business how any Federal employee spends his or her money, which I think is the basic issue.

I think it is a real infringement on the rights of people to do as they will with whatever they have earned by enacting such a measure and I urge the defeat of this amendment.

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

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

Mr. FAZIO. First of all I would like to compliment my colleague and friend from the Appropriations Committee for his statesmanlike position. It is entirely in keeping with the gentleman's reputation to take the time to rethink positions and to conclude, as in this instance, that perhaps we have rushed to judgment on prior occasions. I would like to congratulate the gentleman on his reformulation of his views and laud him for reaching the conclusion that I think is consistent with what most Members of the House would do if they would only take the time to think about what precedent we are setting, about what we are really doing here, and get beyond the code word of "abortion."

We all feel strongly about that issue and we are deeply divided. But in this instance we are invading an area of law which ought to be totally beyond our consideration on such emotional level. I am pleased the gentleman made the decision he has, and I hope that it will lead other Members of the House to reflect on this issue as the gentleman has and conclude that they have rushed to judgment in the past.

□ 1530

Mr. BURGENER. I thank the gentleman for his contribution and for his kind words.

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

Mr. Chairman, there were 365 cases of rape reported in the District of Columbia last year. I live in the District of Columbia. I am the father of a teenage daughter who lives in the District of Columbia with me. I have opted for a group insurance plan of my choice just as every Member of this body has done, including the gentleman from Ohio (Mr. ASHBROOK).

The author of this amendment has his views about abortion. But his views are not my views. And I resent very much his telling me that for the purposes of insurance coverage, my daughter, if raped and made pregnant, must have the rapist's child. That is what this amendment does.

Who do the Members of the House think they are if they approve an amendment such as this and subject my daughter—or anyone's daughter—to this particular cruelty? This is not just an issue of Members of Congress being affected. It is an issue that affects an estimated 10 million individuals, families, employees, across the length and breadth of this country in exactly the way I have described.

There is a lot of deliberate confusion being perpetrated here in the offering of this amendment. I think a few facts need to be stated.

First, it needs to be stated that the Government does not determine what medical procedures are or are not covered in Federal employee health benefit plans, nor should the Government. Instead, the Government negotiates the levels of benefits and administers the program. I submit that that is the way it should be.

Mr. Chairman, this is the age in which—under the gentleman's fearless leader—Government is supposed to be getting off people's backs. Yet what we have here is a direct attempt to inject the Congress—to put the fat nose of the Federal Government—into questions of employee group health insurance which, in and of themselves, are private decisions made by these employees exercising their own rights. The Federal Government has no right to do this. I do not believe it is appropriate for the Congress of the United States to be doing this. For those reasons, I think the gentleman's amendment should be rejected.

The gentleman has said in the past that his amendment is in keeping and in concert with the amendments that this body has adopted with regard to medicaid. I want to say to any of my colleagues who may be confused, that no one can honestly compare what this body has, in my judgment, mistakenly done in the case of medicaid and what is being suggested here. Medicaid is an entitlement program which insures that impoverished people have access to health care for their families.

On the other hand, health benefits for employees of the Federal Government or for any employees are contractually earned, like salary. They are a part of the employees' direct compensation. Restrictions on medicaid do not dictate, as this amendment does, the use of an employee's own hard-earned compensation.

We are taking a very large leap when the Government reaches the point where it exercises its powers in such a way.

I say to my colleagues, please think before adopting this language and this amendment. There is broad-based opposition to the Ashbrook amendment.

The American Federation of Government Employees opposes it, as does the National Association of Letter Carriers, the American Federation of State, County & Municipal Employees, the National Association of Government Employees, the National Federation of Federal Employees, the National Treasury Employees Union, the Public Employee Department of the AFL-CIO, Federally Employed Women.

But more importantly, Mr. Chairman, the American people oppose this in principle. A recent Gallup poll revealed that 82 percent of the American people objected to a limitation on abortion involving cases of rape and incest.

This is a frightening precedent. If we can do this to Federal employees, we can do this to private employees.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. AuCOIN) has expired.

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

Mr. AuCOIN. Mr. Speaker, I want to suggest to the Members that this madness has gone too far. It has gone far enough. This amendment ought not to be adopted. I am sick and tired of seeing antiabortion amendments offered on the floor which may make pretty stuff in some Members' campaign brochures, but inflict pain and misery and injustice on American women. That is what we have here. I am tired of seeing Members making this choice in a largely male-dominat-

ed body and then walking off this House floor—exempt from and untouched by the pain and the misery and the injustice that those amendments cause.

Let me share with my colleagues an essay that was written in the New York Times which summarizes the essential meanness of this amendment. It was written by a woman describing a personal discussion that she had with a Catholic priest who was a very close personal friend of hers. Over lunch, the priest told her that he wished that she had more understanding for the antiabortion movement in this country. She wrote this as an open essay, an open letter to that Catholic priest, that close, personal friend. I ask my colleagues to listen to her words.

I understand that one of us can get pregnant and one of us can't. One of us is threatened with an amendment that will usurp the most profoundly personal decision of a lifetime and one of us is not. One of us will face an assault from the anti-abortion movement in this country and one of us will not. One of us can get up from this table and not give the abortion issue another thought—and one of us can't forget it at all. Yes, I understand. I understand that one of us can afford to be dispassionate and apolitical and purely cerebral about this question but one of us cannot at all.

In the name of human justice, in the name of privacy, in the name of a basic respect for the use of employees' compensation, say "no" to this amendment. Defeat this amendment. It is unjust. It is wrong. It is cruel. And it deserves to be defeated.

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

Mr. Chairman, I think this issue is not really about abortion. It is a very dangerous precedent. What we are really talking about here is saying that we as a body of Congress are going to start treating the bodies of Federal employees like they are public utilities. We are going to start regulating them. Every year we are going to regulate whatever we happen to decide is the standing morality of the day. I do not think any of us here has a license to practice medicine or theology. I do not think any of us here want to get involved in medical and personal decisions. I think all of us feel that personal decisions belong to an employee and his or her doctor. It is a private personal decision.

An employee buys health insurance that covers whatever is considered proper medical procedures. Obviously, nobody can engage in writing contracts that would not cover proper medical procedures because one would have all sorts of malpractice suits and every other such thing coming down the chute at them. But in this amendment we are saying we are going to select things that are considered proper medical procedures and we are going to say to Federal employees, "You cannot have those, because we now consider you like a public utility subject to our regulation."

I am a little surprised that this kind of amendment is coming out of this side of the aisle where Members are talking about getting Government off citizens' backs, and talking about stopping Government regulation. If this amendment passes we are putting on a very onerous regulation.

□ 1540

I want to emphasize, too, the gentleman from Oregon was very, very eloquent and mentioned some of the Federal employee groups that are against this. I think practically all of them have written against it. You have got the National American Federation of County and Municipal Employees; you have got the American Federation of Government Employees, the American Postal Workers Union; the National Association of Government Employees; and the National Association of Federal Employees.

I do not think it is because all of these groups have taken a vote on abortion. I think they see this as a dangerous precedent. They do not want their members to be treated as public utilities. They think that this is a private decision, that we should be treating public employees with dignity, that we should not treat public employees differently from what we treat private employees. I think if private employees were aware that this debate were going on, they would be scared to death for fear that next year somebody would decide, "Oh, I know what let's do, let's make it equal for them, so we will just extend what we have done for Federal employees to all private employees in their health care insurance."

So all we are saying is, "We do not care if it is legal, we do not care if it is proper, we do not care if rape and incest are considered crimes in other places, we are not going to allow Federal employees to cover them in their policies because they are public employees and we are going to regulate them just like we used to regulate public utilities."

Well, maybe the idea is that we have got to find new things to regulate, because we are now deregulating other things. Are we going to start deregulating human beings so we have something to do? I hope not. I certainly hope not. And I really, really hope that this body will turn down this amendment and will deal with it for what it really is and the dangerous precedent that it creates.

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

Mr. Chairman, I have stood on this floor before and I have addressed this body on the issue of federally financed abortions. As a lawyer and a former prosecutor in the Queens DA's office, who has dealt with victims of rape and incest, I have very, very strong feelings about those victims. I have previously urged that those of us who are morally opposed to abortion should not impose our morality on others. Today I reiterate that position. But it is not on that basis alone that I oppose this amendment. This amendment breaches a contractual obligation on the part of the Government.

The amendment before us today is not about the Federal Government in its role as a provider of assistance to those in need. The role of the Federal Government addressed in this amendment is that of an employer, like any other employer, with responsibilities to its employees.

Passage of this amendment would put the Federal Government in the position of making one group of American citizens—Federal and postal employees—the only employees in the United States precluded by law from having abortion coverage included in their health benefits plan.

Passage of this amendment would deny labor organizations representing Federal and postal employees the right to provide the kind of coverage in health plans desired by their membership.

Individuals who have chosen to be Government employees should not arbitrarily be denied rights granted to other American workers. Health benefits for an employee are part of a worker's total compensation package. Federal employees contribute 40 percent of their own money to buy the health insurance plan which best fits their needs. The portion paid by the Government as the employer is part of the total compensation paid for the services provided by that employee. It is wrong for this Congress to prohibit one group of citizens from using their own earned compensation in a lawful manner to insure health for themselves and their family.

I think it is imperative that the Members of this House realize that in this instance the Congress is injecting itself into a labor-management issue which goes far beyond its current limited responsibilities to set the level of health insurance benefits for employees in the Federal service.

Congress has provided that Federal employee organizations cannot require any employee to join or pay organization dues. However, Congress has also provided employee organizations the right to provide health benefits plans under the FEHBP and to offer those health benefits only to their members. The ability to offer health plans is one way to encourage membership. The head of every major employee organization has expressed displeasure that

Congress may interfere with this labor organization right.

I was going to offer an amendment to the amendment, Mr. Chairman. The amendment that I was going to offer was that, after the words "abortion," where we are denying the ability of our employee to be paid under Federal health plan, I would have liked inserted "to such Members of Congress as vote in favor of the amendment offered by Mr. ASHBROOK in the House of Representatives on July 30, 1981." Of course, if my colleagues would accept that amendment, I would be happy to offer it. But the thought that we would again not be voting on the merits of the amendment before us would be a real concern to me.

Mr. Chairman, I urge all of my colleagues that, no matter where they stand on the issue of abortion, this vote not be a knee-jerk reaction to the subject. I urge my colleagues to consider the implications of this vote. I urge that they reject the amendment.

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

Mr. Chairman, I would like to address a question to the author of the amendment, if I could.

Could the gentleman tell me whether he has introduced any legislation along these lines? Has there been a bill introduced that would effect this change in law?

Mr. ASHBROOK. No. This is the same amendment I offered in 1980. But I do not have an H.R. number piece of legislation as such.

Mr. FAZIO. Well, I am wondering whether or not such fundamental legislation ought to be the subject of debate and exposure in hearings before the appropriate committee.

Mr. ASHBROOK. I tell my colleague that this is the appropriate committee for all Members. We are all Members of the Committee of the Whole House on the State of the Union. August 20, 1980, starting at page 22171, there are eight full pages of debate. It has been debated a number of other times. It has clearly been before us as individual Members and in our capacity as Members of this Committee.

Mr. Chairman, we should all readily recall that, just a little more than a year ago, the U.S. Supreme Court brought final resolution to the question of abortion-funding and the right of Congress to prohibit it. It is now our duty to apply this rule across the board. None of us can hide any longer behind the excuse that we should let the courts decide. This, in plain language, is a cop-out.

If the Hyde amendment, which applies mainly to "poor women," as the media so often point out, can stand, by the will of Congress and a ruling of the Court, then, certainly, the law should apply equally to all others, including even Federal employees. We cannot discriminate in this matter.

The amendment I have proposed to the Treasury appropriations bill, calling for a cut-off of funding for abortion and abortion-connected administrative services under the Federal employees health benefit programs, will be proposed again and again until this question is finally resolved and the will of the people is carried out.

The voters are tired of seeing their Government flagrantly spend their hard-earned tax dollars for programs and projects they do not want. The elections last November have made that abundantly clear to everyone. This is true of abortion itself as well. Those who object to this practice are indeed growing in number, and we are just beginning to hear their voices calling for the complete abolition of Government-financed abortions, except where the pregnancy threatens the mother's life. Economic or social need is not sufficient reason for the taking of a human life, and we should certainly put an end to allowing tax dollars to pay for it.

To allow this funding to continue is to frustrate the will of the people. It is bad enough that the Federal Government sanctions this practice of national suicide—the literal eradication of America's future life-blood, but it is worse—much worse—to require its citizens who object to this practice to pay for it.

Mr. FAZIO. I think members of Mr. FORD's committee have every right to take a look at this subject, certainly, in subcommittee, and give it the kind of exposure that obviously the gentleman would like.

It has been my experience that people who advocate the kind of amendment that the gentleman is offering here in general on the issue of abortion have consistently made the argument that the process has frustrated them, that they have not had the opportunity to speak on issues, for example, related to constitutional amendments to ban abortions and to take more fundamental actions, rather than simply to attack around the periphery of this issue by getting at individuals who, because they happen to be part of the Federal budget at one point or another, are vulnerable to the kind of limitation that this amendment represents.

It seems to me that that is a rather inconsistent argument when we understand, as we do, that the gentleman has not taken advantage of the opportunity to follow the normal course that we would hope Members would follow in this body to bring about change.

We now have in the case of the U.S. Senate committees which are constituted in favor of the point of view on the issue of abortion that I know the author of the amendment holds.

It seems to me we ought to go back to the fundamental issues, begin to deal through the normal legislative process, rather than interfere with the kind of approach that the Ford committee normally takes by treating Federal employees equally, rather than coming to the floor with an amendment, we ought to be using the process of the Post Office and Civil Service Committee or we ought to be going to full hearings before the appropriate appropriations subcommittee. We ought not to be taking advantage of very emotional issues out here on the floor when we have not had proper time to fully analyze the impact of this legislation.

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

Mr. FAZIO. I yield to the gentleman.

Mr. ASHBROOK. I would say that I do not know whether there is a distinction or not, but I probably have more bills pigeonholed in the Judiciary, my own Labor Committee and other committees, than any other Members of Congress. And I know the gentleman's friend and his colleague from California (Mr. JOHN L. BURTON), at one time said something that is very prophetic. "We all agree that the floor of the House is a very poor place to legislate."

I thank my colleague.

Mr. FAZIO. I would simply conclude by saying that I think this body, in fact the Congress of the United States, is now constituted to take a completely objective view of the entire issue of abortion, and I would think that it would be appropriate for us to deal with the more fundamental issues that would allow the law, if need be, to be changed in a manner that would apply equally to all Americans. I think it is no longer necessary to take this kind of peripheral attack on the abortion issue. I would hope that the body would reject this amendment if for no other reason than we have not given it the kind of proper consideration that it is due.

□ 1550

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

Mr. Chairman, my understanding is that roughly 60 percent of the Federal employees' insurance rates are paid by the General Treasury; is that not correct?

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

Mr. ROUSSELOT. I yield to the gentleman from Ohio.

Mr. ASHBROOK. That is correct. This is the understanding; the taxpayers pay roughly that amount of money.

Mr. ROUSSELOT. So that the taxpayers, as a whole, share in the cost of providing the benefits of insurance for our Federal employees. So it is not as though the total cost of that insurance was being borne by the Federal employee? Is that not correct?

Mr. ASHBROOK. I would say that is not impeachable, as a statement of fact.

Mr. ROUSSELOT. A second fact—is this language much different than the language we have had in other appropriations?

Mr. ASHBROOK. Only to the extent that there is a life-of-the-mother exception. In the past, there normally has been an objection raised to that. Then those who objected would normally say, "Is it not awful we do not except the life of the mother?" This time I think there is a more enlightened debate; possibly we have gone to one better level. I think my colleague from Colorado hit it right on the head when she said if this amendment is objected to, the gentleman from Ohio will offer a less moderate and more restrictive amendment.

Yes; I would have had to under the rules. So I appreciate the fact that we are debating a more reasonable amendment.

Mr. ROUSSELOT. So then the life of the mother is protected for all Federal employees that would be covered under this program?

Mr. ASHBROOK. That is the normal language. It has been added in conference in the past, where it could be added, but could not be offered on the floor where a point of order had been made in the past. The gentleman is correct.

Mr. ROUSSELOT. I say to my colleague, since the general taxpayers are paying 60 percent of the cost of this insurance, there is nothing in here that prevents an individual—I think we could all recognize Federal employees are not exactly underpaid—if they wish to, there is nothing in here to prevent them from having an abortion, is there, or their families?

Mr. ASHBROOK. No. We talk about contracts; we talk about rights. There is also something called public policy. This Congress has a right to set public policy in some areas.

Mr. ROUSSELOT. Does the gentleman mean this very Congress?

Mr. ASHBROOK. It is a specious argument to say we cannot. For example, let me give the gentleman something that is not likely to happen. If the gentleman believes, as many of my friends on the other side believe, it would be possible, if an employee with his money can do anything he wants, what would the gentleman do then, for example, if, say, 200,000 of the 3 million employees would say, as part of our contractual rights, we want checkoff for a certain amount of our dues to go to organizations—maybe the Ku Klux Klan? Does the gentleman think this body would say, as a matter of public policy, we do not object?

We have a right to protect public policy. We are not talking about medical services and delivery of services. The Supreme Court, in its June 30 decision, even went out of its way to say this: "Abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of a potential life."

Mr. ROUSSELOT. Termination of life?

Mr. ASHBROOK. So it is not a question of delivery of services; it is not a question of contractual rights; there is a matter of public policy, that this Congress has spoken out on in the past and I hope speaks out again today. If that limits in some way what has been a degree of contractual rights up to that point, so much the better. We have done that many times over the years.

Mr. ROUSSELOT. But the life of the mother is fully protected?

Mr. ASHBROOK. Yes; and the other point is, my good friend from Oregon, who is most persuasive and made an excellent speech, my amendment in no way would deny employees or even Members of Congress, from that standpoint, the right to obtain finances or contract for coverage of abortion on their own, if they want to.

Mr. ROUSSELOT. On a voluntary basis?

Mr. ASHBROOK. Only where the taxpayers are involved. And I think that is an area where we have the right to set policy and I am hopeful that we set that policy again.

Mr. ROUSSELOT. I appreciate the clarification.

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

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

Mr. GREEN. I thank the gentleman for yielding.

I find it very strange that the gentleman from California makes so much of the fact that the Federal Government pays 60 percent of the cost of the health insurance, when he then goes on to acknowledge that there is nothing in this amendment that stops the Federal employee from having an abortion using her own funds, and the author of the amendment makes the point that there is nothing that stops the Federal employee from taking her pay and buying an abortion or buying an insurance policy that covers abortion.

It seems to me, therefore, the 60 percent means nothing because if 100 percent is being paid, the Federal Government——

The CHAIRMAN. The time of the gentleman from California (Mr. ROUSSELOT) has expired.

(By unanimous consent, Mr. ROUSSELOT was allowed to proceed for 3 additional minutes.)

Mr. GREEN. If the gentleman will yield further. If 100 percent of the money that the employee buys her own coverage with is being paid for by the Federal Government, is that any different? One could argue that it was the 40 percent put up by the employee herself that was covering the abortion. Surely, the actuarial cost of abortion coverage is far less than 40 percent of the cost of the policy.

Mr. ASHBROOK. If the gentleman will yield to me—we all get caught in a certain amount, I suppose, of duplicity in our points of view. Many of the people who argue against this amendment, and the fact that we are following the 60-percent Federal fund and enacting some part of public policy here, they are the same ones who do not mind 9-percent Federal money going to our schools and Federal Government telling our schools how to run them.

Mr. ROUSSELOT. Not telling them; in many cases dictating.

Mr. ASHBROOK. A certain amount of our money going to Chicago and then the Government tells them who they can hire on their police force. This is nonsense to say that we do not do this. We do it with 8 percent, I would say to my colleague from New York, in the case of schools. The gentleman talks about leverage. With 8 percent of the taxpayers' money involved in local school districts, they get about 90 percent——

Mr. ROUSSELOT. I had promised to yield to some of my other colleagues.

I know the gentlewoman from New Jersey (Mrs. FENWICK) is anxious to get into this.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I respect the ability of the gentleman to be precise when he wants to and less than precise when he does not want to.

I would like to believe that he is really being mischievous with the House this afternoon when he leads us, a former member of the Post Office and Civil Service Committee——

Mr. ROUSSELOT. A very proud member. I am sorry I was forced to leave it.

Mr. FORD of Michigan. The gentleman served with honor and distinction on that committee. We are sorry to have the gentleman away from us as well.

The gentleman knows full well that the issue here is not the question of the morality of abortion. The issue is whether or not the gentleman can

jump on this floor and willy-nilly change a benefit, no matter how the gentleman may think it is a good or bad benefit. That is not conferred by the Government through a welfare program. It is not given through a grant. It is a payment we make to somebody for having performed services as an employee. It is wages.

Mr. ROUSSELOT. It is an insurance benefit.

Mr. FORD of Michigan. And the gentleman from California, and the gentleman from Ohio, would join me in jumping and screaming if somebody walked out of here and said, "let's automatically cut the pay off every employee 20 cents an hour." The gentleman would recognize immediately that we do not have the right to do that.

The gentleman from Ohio is really sort of kidding himself if he really believes that there is a parallel in setting public policy with respect to these contractual rights that employees have earned by performing services for the Government and the right that a person has or the privilege a person has to use a federally funded program.

The CHAIRMAN. The time to the gentleman from California (Mr. ROUSSELOT) has again expired.

(At the request of Mr. FORD of Michigan and by unanimous consent, Mr. ROUSSELOT was allowed to proceed for 3 additional minutes.)

Mr. FORD of Michigan. If the gentleman will yield further, let me see if I can draw a comparison. A few years ago, some of my colleagues, I am not sure if the gentleman from California was exercising at this time or concerned because the CHAMPUS program, the outside extra medical care that military dependents get, was sometimes paying for cosmetic surgery.

Mr. ROUSSELOT. Right.

Mr. FORD of Michigan. I recall, and I cannot remember the name of the Member on this side who rose to tell the Nation in righteous indignation that, indeed, members of the military and dependents of members of the military were having breast-enhancement operations at Federal expense, and the Congress, quick to react, as a matter of policy, said, "We are not going to let them fool around with something like that," and it was stopped.

A little bit later, somebody decided that maybe they should not be able to get psychiatric assistance for children, and we went down that road. We could not stop people who had whatever kind of a whim putting limitations on the kind of medical care available to the dependents of the military because it was a direct benefit; it had nothing to do with any contractual arrangement.

But that is not what we are talking about here. We are not talking about something that this Government or the taxpayers give to these people. We are talking about something that these people have a contractual right to, and we cannot interfere with that right. We cannot take it away from them.

Whether we like the subject matter of the amendment or not, the fact is that we are setting a precedent for reducing benefits to an employee that has already performed that labor for those benefits, and once that precedent is set, we can kiss goodby any pretense of the Federal Government being a fair employer that deals fairly with its employees, because anybody can get on this floor when they are mad at the air traffic controllers or the postal workers or anybody else, and support taking benefits away.

□ 1600

The fact that the gentleman has a laudable purpose from his point of view at least for putting this kind of a limitation on does not save us from the basic fatal flaw that what he is doing is legislating employee benefits, and he is not legislating public policy in a broad sense.

Mr. ROUSSELOT. Let me quickly comment to my colleague. He knows full well that in the Post Office and Civil Service Committee, they do define benefits for our Federal employees, and especially because of the fact that the taxpayers of America are paying for 60 percent of that benefit, and we do, from time to time, put limitations on the various benefits they are receiving.

Mr. FORD of Michigan. Will the gentleman yield further?

Mr. ROUSSELOT. All right.

Mr. FORD of Michigan. I would just like to remind the gentleman from California that he was a leading member of the committee.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. FORD of Michigan and by unanimous consent, Mr. ROUSSELOT was allowed to proceed for 2 additional minutes.)

Mr. FORD of Michigan. The gentleman joined with us in raising the Federal contribution to these health plans from 40 percent to 60 percent during the Nixon administration. This is a Nixon initiative, to go from 40 percent to 60 percent. He suggested 75 percent and we cut it off at 60 percent. I compliment the gentleman and ask, if he were worried when we went up to paying 60 percent of the peoples' money for this back then, when we were buying something for the employees, why did he not suggest a limitation when we did it then?

Mr. ROUSSELOT. Probably I was not smart enough to think of it.

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

Mr. ROUSSELOT. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Following up on that one point, because I honestly believe there is something that is happening here that has nothing to do with my amendment, my amendment very clearly says that coverage under such negotiated plans ceases after the last day of the contracts currently in force. In no way am I trying to impinge on a contract. What my friend from Michigan is interjecting here does not apply to my amendment.

If the Supreme Court changes the law 2 years from now, we might have to change contracts. We might say that on the next round of contracts, we are only going to pay 30 percent. We can make many changes. We are not changing current negotiated contracts. We are merely saying that after the last day of the contracts currently in force, from that point on, it will not be something on that table over which they can negotiate. We are not taking anything away under current contracts.

Mr ROUSSELOT. I appreciate the gentleman clarifying that, and it is hard for me to believe that my colleague from Michigan gave us all that fine discussion that was not applicable.

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

Mr. ROUSSELOT. I will be glad to yield.

Mrs. SCHROEDER. I think one of the things we have to remember too, though, in the President's Pay Comparability Act and everything, but what we are talking about, health benefits are considered part of pay. All of it.

Mr. ROUSSELOT. It is a fringe benefit.

Mrs. SCHROEDER. We use the measure of comparability as we go out and monitor it, so I think the 60-percent argument really does not amount to anything. I think the gentleman from New York pointed out very well that the 40 percent probably came from the Federal employees' pay, which probably came from the Treasury also.

The CHAIRMAN. The time of the gentleman from California has again expired.

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

Mr. ROUSSELOT. I just want to say in conclusion, I still believe that my colleague from Ohio has offered an appropriate amendment on the basis of the taxpayers of this country paying for 60 percent of this health benefit, and therefore we have a right to set limitations and constrictions on it in the future. It does not apply to those underway, and so I certainly think that my colleague's amendment is reasonable. I think it is within the

framework of setting limitations on benefits provided by the taxpayers for Federal employees, and I urge my colleagues' support.

Mr. PEYSER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I have been in the well on this discussion before, as my friend from California and my friend from Ohio have been in their positions before. This particular issue of affecting the benefits of Federal employees nearly proved to be going too far 1 year ago. As the Members may recall, we had one of the closest votes on abortion that we had. Actually, the vote was 228 to 170. After that, when this was won, and I forget now who offered the amendment, but an amendment was offered shortly thereafter dealing with the District of Columbia. I think it was because of the feeling that: We can now do anything if we can win this one, as outrageous as it is. We will now say to the District of Columbia that you cannot spend your money to provide abortions in your city, because after all we in the Congress control Washington, D.C.

We were not even talking about our money. We were talking about their money. Amazing as it may seem, the Congress finally felt we had gone too far, and the Congress rejected that abortion amendment. It was one of the first abortion amendments that had been rejected in nearly 4 years.

I would suggest that what is happening here, where we lost this last year, we can win it this year because people have got to realize that once again we are going too far.

I would like to ask my friend from Ohio, is this not truly a form of compensation that the Federal employees are receiving when they receive this benefit?

Mr. ASHBROOK. If my colleague will yield, I think there is no question about it; yes.

Mr. PEYSER. Well, is the gentleman suggesting, then, that when we take this away from the Federal employees, that we are going to give additional compensation to Federal employees to make up for that loss in order to be able to acquire what the gentleman suggests as outside coverage to provide the right of abortion?

Mr. ASHBROOK. No; I would simply say as a matter of national policy that on future contracts between the Federal Government and Federal employees this should not be one of the benefits offered. My colleague well knows that most contracts, like most benefits, are in a state of flux. Some go up, some go down, some are expanded, some are withdrawn. We may go up to 100 cents on the dollar in helping them 5 years from now. We may go down to 10 cents on the dollar. All things can be changed, so at the end of this contract period I am merely saying that in future contracts coverage for abortion shall not be one of those areas where the Federal Government is offering benefits, fringes, whatever one wants to call them, to Federal employees; that is as precise as I can be.

Mr. PEYSER. I appreciate the gentleman's comment. I would think that if I were bargaining for the employees that were involved in fair negotiations, to have a benefit of this nature taken away, it would be an automatic figure to fight for, to increase compensation to make up for the difference. I think it would be very hard for anybody who is looking at this in a very objective way, a labor negotiator, to say that there should not be additional compensation, which means additional tax dollars, for individuals who wished to replace this coverage that the gentleman is suggesting be removed.

I think it would be fiscally irresponsible for us to pass this amendment, because I am convinced that if we do, and if it ever became part of the law, that we would see in the negotiations a definite reason for increasing the cost to the taxpayer.

Now up to this time, my friend, we are talking dollars and cents, and we are talking of course, on a very economical plane, and the truth is we really should be talking about this on a plane of people—women who are involved in this problem; women who should have the right of making this decision and should have the protection that they now have in order to guarantee them security and safety. I just cannot understand how, when we are not talking now about economic dollars, because if we discontinue this idea, we are going to be more than making it up in outside costs. We are talking about human misery. We are talking about rights of women, and to discriminate against the female Federal employee on this basis I think is inexcusable.

□ 1610

We lost this amendment, as I say, by a vote of 228 to 170, and I hope this time, when we vote on the amendment, we will pick up enough Members who, regardless of how they feel on the abortion issue, will say that this, in any way of fairness, cannot be considered equitable, that this, in anyway of economics, is not equitable, and we can, therefore, with a free conscience vote to defeat this amendment.

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

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I have been listening to this debate for the last hour or so. I was watching the proceedings on closed circuit TV in my office, and decided to come over and perhaps take part in the debate.

Two points have been made by the oppostion that I find exceedingly difficult to accept and compelled to address.

First, those who oppose this amendment keep referring to the killing of an unborn child as a benefit.

I would argue, Mr. Chairman, that rather than a benefit, an abortion is just the opposite. When you take the life of an unborn child, it is a tragedy for the mother, for everyone. And it certainly isn't a benefit from the child's point of view.

The second argument the opponents of this amendment keep stressing is that today's vote is not a vote for or against abortion. The gentlewoman from Colorado and the gentleman from New York, among others, keep stating this.

Mr. Chairman, the vote we will shortly cast on the Ashbrook amendment will either end or continue the Government's financing of Federal employee's abortions. Clearly, then, this is a vote on abortion funding. Clearly, then, any other contention to the contrary is utter nonsense.

The gentleman from Ohio—and other supporters of this amendment—have repeatedly stated that 60 percent of the moneys in the Federal employees' health benefits plan are contributed by the Federal Government. So, again, it should be crystal clear that this is a vote on abortion funding—and nothing else.

Mr. Chairman, again and again, this Congress has voted to ban funding for abortion. And that, in my opinion, is as it should be.

I do not think the taxpayers should have to pay for the injection of a high concentrated salt solution into the baby's amniotic sac—a procedure that literally poisons the baby. The mother usually delivers the dead baby—badly burned by the saline solution—about 24 to 48 hours later.

I do not think the taxpayers ought to pay for the suction method of abortion—a method that dismembers an unborn child.

I do not think the taxpayers ought to pay for a hysterotomy abortion, a method that is really a C-section. The difference is, however, that when the procedure is employed for abortion purposes, the baby is left to die due to exposure after delivery.

I do not think the taxpayer ought to pay for protaglandin abortions, a method that simply induces delivery at any point in a pregnancy.

Unfortunately, Mr. Chairman, I don't think enough people, including Members of this body, realize the horror, the violence, that is abortion. Very simply, abortion kills children, it ends the life of a an unborn child after it has begun.

Mr. Chairman, a great number of advocates of abortion are beginning to take a second look at their positions on abortion. Some are changing or modifying their opinions. Perhaps most prominent among them is Dr. Bernard Nathanson, a founder of the National Abortion Rights Action League and former director of the Center for Reproductive and Sexual Health in New York, the largest abortion clinic in the world.

Dr. Nathanson quit his job as director of the clinic and wrote these candid, incisive and provocative words in the New England Journal of Medicine in November of 1974:

I am deeply troubled by my own increasing certainty that I had in fact presided over 60,000 deaths.

In another instance, Dr. Nathanson writes: "We are taking life."

A few years ago, Dr. Nathanson wrote "Aborting America" a book in which he describes how he—an acknowledged atheist—came to his new position favoring constitutional protections for the unborn child.

Mr. Chairman, I commend this book to every Member of this House. Indeed you may come to the conclusion that Dr. Nathanson came to: Abortion kills children and is a denial of basic human rights.

I would like to commend the gentleman from Ohio, Mr. ASHBROOK, for his compassion and concern in offering this amendment. I urge its passage by this House.

I yield back the balance of my time.

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

The CHAIRMAN. Without objection, the gentlewoman from New Jersey (Mrs. FENWICK) is recognized.

There was no objection.

Mrs. FENWICK. Mr. Chairman, I had not intended to rise again, but we have heard one of these dignified, calm, and objective arguments against the right of a human being, a woman, to decide what she shall do. We have listened many times in this House to exactly this kind of calm and reasonable argument, with vivid examples given.

I do not know how this issue can be compared, as it has been compared by others of my colleagues, to a public policy. The argument has been made here this afternoon, in a more reasonable vein, that somehow this is a matter of public policy that should be established, as we have a policy for our schools. We are dealing with something so important to human beings that they will kill themselves; they will kill themselves when they are not helped in this particular situation.

The Supreme Court went on to say a lot more than what the distinguished gentleman from Ohio (Mr. ASHBROOK) has quoted. But we cannot argue this way endlessly.

I wish that I had not been tempted to rise again because I know, with some of the Members here, how useless and unconvincing my arguments are; but if you have lived as long as I have and worked as hard as I have in the poorer sections of my State, you would understand what you are doing.

We have heard the weeping of mothers whose children are caught in this and the weeping of wives who are desperate, with a sick husband and too many children already. This is the kind of thing we are talking about.

Mr. Chairman, I do not know what kind of an image others have, but I know, from what life has taught me, that people suffer too much to let this kind of action go by in silence.

● Mr. WEISS. Mr. Chairman, the amendment offered today by Congressman ASHBROOK is a familiar vehicle for restricting women's freedom of reproductive choice. Almost identical amendments have passed this House twice in the past year. Like those measures, this amendment would prohibit the use of Federal funds to pay administrative expenses for Federal employee health insurance plans that provide coverage for abortions.

I strongly oppose this amendment. Its supporters argue that it would eliminate a Federal subsidy of abortion. Yet the possibility of a subsidy should not even be an issue here. At issue, instead, is the right of Federal employees to use their earned benefits as they see fit. In addition, the right of labor organizations to offer health plans to their members; the right of all individuals to comprehensive medical care, and the right of a physician and patient to determine appropriate medical treatment are all compromised by the Ashbrook amendment.

This amendment is a distinctly unique, unwarranted congressional intrusion into the personal use of employees' earned wages. Health insurance plans are, in fact, benefits that have been earned by Federal employees, and are tantamount to salaried compensation. As an employer, the Federal Government contributes to these plans. But employees have earned that contribution as compensation for their services. Indeed, employees contribute 40 percent of the cost of these plans. To deny them access to full coverage would be not only to violate the individual's right to decide how to spend his or her wages, but would be an outright robbery of the fruits of their labor.

I would like to believe that all of us honor and respect the freedom of all workers, Federal or non-Federal, to use their wages as they choose. The right to choose a health plan that best accommodates their needs is part of that freedom, and a guarantee implicit in the contract with which employees are hired. Withdrawal of that guarantee would set a dangerous precedent that could encourage further attempts to tamper with earned benefits and wages, and with other employees' rights.

The Ashbrook amendment would also interfere with the right of labor organizations who represent many Federal employees to offer health plans to their members. It undermines these employees' right to a fair collective bargaining process, and is nothing less than a wholesale denial of the contractual rights of 3 million Federal employees.

As is the case with other proposals to restrict access to abortion, the Ashbrook amendment attempts to legislate with a very blunt instrument. By barring all abortions except those necessary to save the life of the woman involved, abortions that may be necessary to protect a woman's health are prohibited. This flat prohibition ignores the complexity of decisions that are made every day between doctor and patient for all kinds of medical care. Abortion is one part of that equation, and must remain so.

Only women can become pregnant. This amendment would deny women comprehensive medical care solely on the basis of their sex, whether or not such care might be necessary for a healthy life. In discriminating on the basis of sex, the amendment violated the intent of the Pregnancy Disability Act, which redefined sex discrimination under title VII of the Civil Rights Act to include discrimination related to pregnancy, childbirth and related medical conditions.

In fact, the Pregnancy Disability Act specifies that employers should not be precluded from covering abortion in health plans offered to employees. This amendment obviously violates that clause.

Opinion polls show clearly that the majority of the American people support a woman's right to choose an abortion. Is it not time we stopped imposing the will of a vocal minority on the personal decisions of all women? I urge my colleagues to reject this ill-considered amendment.●

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

The CHAIRMAN. Without objection, the gentleman from California (Mr. ROYBAL) is recognized.

There was no objection.

Mr. ROYBAL. Mr. Chairman, I said at the very beginning that I was hoping that this amendment would not be debated at this great length, but it has been.

During this debate, we have heard the same arguments as in the debate last year and the year before. I do not remember yet seeing any of the women that are here in the House at

this moment, all Members of the House of Representatives, argue in favor of such an amendment. None of the women who took the floor this afternoon favor the amendment offered by the gentleman from Ohio (Mr. ASHBROOK); all those that have spoken for the amendment are men.

I think we have discussed this amendment more than enough. I firmly believe that it is an amendment that would violate the Civil Service Reform Act that guaranteed labor organizations health plans for their memberships.

I believe also that it is a violation of the Pregnancy Disability Act of 1978 that we passed when we amended the Civil Rights Act in which we did specify that pregnancy could not be a basis for discrimination because of sex. In that legislation Congress also provided that employers would not be precluded from providing benefits nor would collective bargaining agreements be otherwise affected with regard to abortion. These things were guaranteed in the legislation that this House passed.

What is being done today is an attempt to set aside an agreement already made by the Congress of the United States. It is quite true that the matter of abortion is a very private matter. It is a matter that an individual woman may have to decide, and it seems to me that an attempt is being made at this particular time to force upon others the viewpoint of certain individuals in this legislative body. To legislate restrictions on abortions in this bill would be to impose this viewpoint on all Federal employees regardless of what their own moral and religious convictions may be.

I still take the position that the situation today is different than when we debated the same subject matter under another bill, and that it does in fact infringe upon the rights of collective bargaining.

Mr. Chairman, I strongly urge a "no" vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 167, not voting 14, as follows:

[Roll No. 182]

AYES—253

Albosta	Atkinson	Benedict
Andrews	Badham	Benjamin
Annunzio	Bafalis	Bennett
Applegate	Bailey (PA)	Bereuter
Archer	Barnard	Bethune
Ashbrook	Beard	Bevill
Aspin	Bedell	Biaggi
Bliley	Hamilton	Oxley
Boggs	Hammerschmidt	Patman
Boland	Hansen (ID)	Paul
Boner	Hansen (UT)	Perkins
Bonior	Harkin	Petri
Bouquard	Hartnett	Porter
Bowen	Heckler	Price
Breaux	Hendon	Quillen
Broomfield	Hertel	Regula
Brown (OH)	Hightower	Rhodes
Byron	Hillis	Rinaldo
Campbell	Holt	Ritter
Carman	Hopkins	Roberts (SD)
Carney	Hubbard	Robinson
Chappell	Hunter	Roe
Chappie	Hutto	Roemer
Cheney	Hyde	Rogers
Clausen	Ireland	Rostenkowski
Clinger	Jeffries	Roth
Coats	Jenkins	Rousselot
Coleman	Johnston	Rudd
Collins (TX)	Jones (OK)	Russo
Conte	Jones (TN)	Santini
Corcoran	Kazen	Sawyer
Courter	Kemp	Schulze
Craig	Kildee	Sensenbrenner
Crane, Daniel	Kindness	Sharp
Crane, Philip	Kramer	Shaw
D'Amours	Lagomarsino	Shelby
Daniel, Dan	Latta	Shumway
Daniel, R. W.	Leach	Shuster
Dannemeyer	Leath	Siljander
Daub	LeBoutillier	Simon
Davis	Lee	Skeen
de la Garza	Lent	Skelton
Deckard	Lewis	Smith (AL)
DeNardis	Livingston	Smith (IA)
Derwinski	Loeffler	Smith (NE)
Donnelly	Long (LA)	Smith (NJ)
Dorgan	Lott	Smith (OR)
Dornan	Lowery (CA)	Smith (PA)
Dougherty	Lujan	Snyder
Dowdy	Luken	Solomon
Dreier	Lungren	Spence
Duncan	Madigan	St Germain
Dwyer	Markey	Stangeland
Dyson	Marriott	Stanton
Early	Martin (NY)	Staton
Edwards (OK)	Mavroules	Stenholm
Emerson	Mazzoli	Stratton
Emery	McClory	Stump
English	McCollum	Tauke
Erdahl	McDade	Tauzin
Erlenborn	McDonald	Taylor
Ertel	McEwen	Traxler
Evans (IA)	McGrath	Trible
Evans (IN)	McHugh	Vander Jagt
Fary	Michel	Walker
Fields	Miller (OH)	Wampler
Fish	Mitchell (NY)	Watkins
Fithian	Moakley	Weber (MN)
Flippo	Molinari	Weber (OH)
Florio	Montgomery	White
Fuqua	Moore	Whitehurst
Gaydos	Moorhead	Whitten
Gephardt	Mottl	Williams (OH)
Gibbons	Murphy	Wolf
Goldwater	Murtha	Wortley
Goodling	Myers	Wright
Gore	Napier	Wylie
Gradison	Natcher	Yatron
Gramm	Nelligan	Young (AK)
Gregg	Nelson	Young (FL)
Grisham	Nichols	Young (MO)
Gunderson	Nowak	Zablocki
Hagedorn	O'Brien	Zeferetti
Hall, Ralph	Oakar	
Hall, Sam	Oberstar	

NOES—167

Addabbo	Brooks	Coyne, William
Akaka	Brown (CA)	Crockett
Alexander	Brown (CO)	Danielson
Anderson	Broyhill	Daschle
Anthony	Burgener	Dellums
AuCoin	Burton, John	Derrick
Bailey (MO)	Burton, Phillip	Dickinson
Barnes	Butler	Dicks
Beilenson	Clay	Dingell
Bingham	Coelho	Dixon
Blanchard	Collins (IL)	Downey
Bolling	Conable	Dunn
Bonker	Conyers	Dymally
Brinkley	Coughlin	Eckart
Brodhead	Coyne, James	Edgar
Edwards (AL)	Kastenmeier	Ratchford
Edwards (CA)	Kogovsek	Reuss
Evans (DE)	LaFalce	Richmond
Fazio	Lantos	Roberts (KS)
Fenwick	Lehman	Rodino
Ferraro	Leland	Rose
Fiedler	Levitas	Rosenthal
Findley	Long (MD)	Roukema
Foglietta	Lowry (WA)	Roybal
Foley	Lundine	Sabo
Ford (MI)	Marks	Scheuer
Ford (TN)	Marlenee	Schneider
Forsythe	Martin (IL)	Schroeder
Fowler	Martin (NC)	Schumer
Frank	Matsui	Seiberling
Frenzel	Mattox	Shamansky
Frost	McCloskey	Snowe
Garcia	McCurdy	Solarz
Gejdenson	McKinney	Stark
Gilman	Mica	Stokes
Ginn	Mikulski	Studds
Glickman	Miller (CA)	Swift
Gonzalez	Mineta	Synar
Gray	Mitchell (MD)	Thomas
Green	Mollohan	Udall
Guarini	Morrison	Vento
Hall (OH)	Neal	Walgren
Hance	Ottinger	Washington
Hatcher	Panetta	Waxman
Hawkins	Parris	Weaver
Hefner	Pashayan	Weiss
Heftel	Patterson	Whitley
Hiler	Pease	Whittaker
Holland	Pepper	Williams (MT)
Hollenbeck	Peyser	Wilson
Howard	Pickle	Winn
Hoyer	Pritchard	Wirth
Huckaby	Pursell	Wolpe
Hughes	Rahall	Wyden
Jacobs	Railsback	Yates
Jones (NC)	Rangel	

NOT VOTING—14

Chisholm	Gingrich	Obey
Cotter	Horton	Savage
Evans (GA)	Jeffords	Shannon
Fascell	Minish	Volkmer
Fountain	Moffett	

□ 1630

Mr. JAMES K. COYNE changed his vote from "aye" to "no."

Mr. PRICE changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LEVITAS

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

The Clerk read as follows:

Amendment offered by Mr. LEVITAS: Page 43, after line 21, insert the following:

SEC. 619. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

□ 1640

Mr. LEVITAS. Mr. Chairman, the amendment I am offering would prevent the use of any funds by the departments and agencies funded by this

bill for the implementation of any regulations or actions which have been vetoed by Congress using the specific veto procedures provided by applicable law.

There are several programs and agencies funded under this bill which are subject to some sort of legislative veto. For example, the President is subject to congressional veto for actions taken under the Executive Reorganization Act, Impoundment Control Act, and War Powers Act. All regulations promulgated by the Federal Elections Commission may be vetoed by Congress. Furthermore, under the Presidential Recordings and Materials Preservation Act, the Administrator of the General Services Administration may make regulations concerning public access to tape recordings and Congress may veto these rules if it so chooses.

The basic issue here, however, transcends the question of legislative veto. Even the few Members who still do not support legislative vetoes, surely must support the doctrine of following the law under which legislative vetoes are enacted and then duly exercised.

I have offered this amendment because past administrations have stated their intentions not to obey the law with regard to legislative vetoes. This unfortunate circumstance became concrete under the Carter administration last year after Congress vetoed four sets of regulations proposed by the Department of Education. In response, the Carter administration, through Attorney General Benjamin Civiletti and Secretary Shirley Hufstedler, announced a decision to ignore these vetoes. In short the Carter administration said it would not obey the law, providing for legislative veto of these regulations, as it was duly enacted by Congress and signed by the President.

The law in this case is very simple. It is very explicit. It says that where both Houses of the Congress have adopted a congressional veto, the regulations become null and void.

However, the problem was not just with the Department of Education. It was the general policy of the Carter administration. While I would hope that the Reagan administration will not be willing to disregard the law, we must be sure that the law is followed. This amendment will act as a safeguard to prevent this disregard for the law from occurring again.

The action of past administrations makes the issue one of whether we in Congress are going to allow the law to be ignored. I do not believe any Member of Congress can stand by and allow our mandates to be treated in such cavalier fashion. The Constitution of the United States requires the President of the United States to faithfully execute the laws. He is not given the authority to pick and choose those laws he wants to implement and those that he does not want to implement.

It is not for the executive branch to decide what laws will be enforced. There is a very important case that illustrated that point, Kendall against United States, decided by the Supreme Court in 1838. In that instance, the President of the United States directed the Postmaster General not to pay a certain sum required to be paid by Congress to a contractor with the Post Office, and in issuing the writ of mandamus, the Court said:

> To contend that the obligation imposed on the President to see the laws faithfully executed implies a power to forbid their execution is a novel construction of the Constitution and entirely inadmissible.

No, the President of the United States does not have the power or the right or the prerogative not to enforce the laws. Where such disputes exist the proper forum for resolving them lies within the court system and ultimately within the jurisdiction of the Supreme Court. The administration's questions about this provision of the law should be resolved in that arena, not by noncompliance.

Mr. Chairman, this is a simple proposition. Once a legislative veto has been exercised, it is a disobedience of the law by those charged with the responsibility of executing the law to disregard it, and I do not think we ought to give them money to disobey the law. The only way we can effectively enforce these provisions of the law is to provide a limitation for funding so that no funds can be used for purposes of implementing disapproved or vetoed actions.

That is the reason I have offered this amendment, Mr. Chairman. We are facing a significant challenge to our constitutional powers, and we must rise to meet it. My amendment will do so in a simple direct fashion. I urge every Member of this body to support its passage.

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

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

Mr. ROYBAL. Mr. Chairman, this amendment is the same as that previously adopted, there is no objection to it. The committee will accept it.

Mr. LEVITAS. I thank the subcommittee chairman.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASHBROOK

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

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK:

Page 43, line 17, after "standard," insert "court order,".

Page 43, line 20, strike out "on the date of the enactment of this Act into law." and insert in lieu thereof "prior to August 22, 1978.".

Mr. ASHBROOK. Mr. Chairman, for 3 years, activists have been trying to impose affirmative action and racial quotas on America's private schools through the Internal Revenue Service. In 1978, IRS proposed affirmative action regulations on the grounds that they were necessary to the agency's job of carrying out the intent of Congress. Congress responded by passing the Ashbrook and Dornan amendments, which prevented this bureaucratic seizure of power over our country's private schools. Today, working with the gentleman from Michigan, (Mr. SILJANDER) as cosponsor, I offer another amendment. The IRS strongly opposed both amendments, making it perfectly clear that they were not interested in Congress own opinion of congressional intent.

Those who failed to impose affirmative action on private schools by misinterpreting congressional intent have now simply switched to misinterpreting the Constitution for the same purpose. In the obvious sweetheart case of Green against Miller, with IRS as the official defendant, U.S. District Court Judge George L. Hart obediently imposed a carbon copy of the proposed IRS affirmative action regulations on all secular schools in Mississippi, and is now considering whether to apply them to other States, and therefore to the Nation as a whole.

This effort has nothing to do with the intent of Congress or the meaning of the Constitution. Liberal activists want racial quotas enforced in America's private schools, and they are looking for a way, anyway, to get them imposed, and they are looking for somebody, anybody, to impose them.

This entire charade is being played out because liberals know that there is no way that this power could be obtained by the Federal Government by the consent of the governed. No supporter of racial quotas in private schools has even bothered to propose that they be enacted into law by the Congress of the United States. They know that the elected representatives of the American people will not do it. They therefore want the judiciary to do it, and to convince us that Congress has no right to prevent it.

Opponents of my amendment must argue that Congress has no right to limit the power of the courts, even in this extreme and obvious attempt to avoid the consent of the governed. The judiciary, they must insist, has the exclusive right to determine the meaning of the Constitution. But the meaning of the Constitution is the

Constitution. They must say, therefore, that the judicial branch is the Constitution incarnate. If the judicial branch is the Constitution, then any concept of a constitutional balance of powers is a farce. If a court has any powers it says it has, its power is unlimitable.

In proposing this amendment, I am asking that this judicial power-grab be opposed by the fundamental building block of our system of representative government: The power of the purse. In its formative days, the only power the English Parliament had was that of voting funds. Only by limiting the use of those funds could parliament limit the power of a king who was held to rule by divine right. To hold the courts immune to the power of the purse is to put them into a position more exalted than that of an English king three centuries ago.

The tradition of limiting the excessive power of other branches of Government by the congressional power of the purse is clear at every stage of the history of the drafting and ratification of our Constitution. It is the reason that money bills must originate in the House of Representatives, the legislative body must directly be the representative of the people. This principle was stated unequivocally by James Madison in the Federalist Papers:

> The House of Representatives cannot only refuse, but they alone can propose, the supplies prerequisite for the support of government. They, in a word, hold the purse—that powerful instrument by which we behold, in the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of government. This power of the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining the redress of every grievance and for carrying into effect every just and salutary measure.

That is the way the Fathers of the American Constitution described the power of the purse, the power opponents of this amendment will insist was never intended by the Framers to be used to stop judicial excesses.

Every one of the so-called social issues of our day is a direct result of Congress refusal to check judicial excesses. Our children are bused, by court order. They are denied the right to pray in school, a right this House exercises every day, by court order. They are denied the right to life itself, again by court order. And liberals insist that Congress has no right to limit this judicial tyranny over the American people.

Forty years ago. liberals were the most vociferous opponents of the judicial usurpation of power. It was liberals who last limited the power of Federal judges with the Norris-LaGuardia Anti-Injunction Act. Today, they make the same arguments against such restrictions that their opponents made against the Norris-LaGuardia Act.

The reason for this liberal about-face is quite simple: 50 years ago, liberalism represented the American people against the Washington establishment. But today they represent the Washington establishment against the people. Now they are as fanatically devoted to judicial supremacy as the business establishment was in the 1930's, and as the slavocracy was to the Supreme Court which handed down the Dred Scott decision legalizing slavery in all the Western territories.

Once again, the courts are being used by the establishment to defy the consent of the governed, as this drive for the imposition of racial quotas on private schools clearly demonstrates. Nothing has changed, except that this establishment is liberal rather than business-dominated or slavocratic. Once again, the courts represent business as usual in defiance of the will of the people.

In November of 1980, voters made it clear that they have had enough of business as usual in Washington. I have proposed that the power of the purse be invoked to prevent the judiciary from being used as a tool to defy the consent of the governed. The only alternative is the modern liberal contention that the doctrine of constitutional checks and balances does not apply to Federal judges.

Mr. Chairman, I close by reciting the record of the sweetheart litigation which posed these threats in 1976, the original plaintiffs in Green against Connally brought suit to reopen the case, seeking an injunction against the Internal Revenue Service to block the IRS from providing tax-exempt status to Mississippi private schools which were established or expanded during periods of desegregation in nearby public school districts. One week later, an identical suit was filed by the Wright plaintiffs from six additional States and the cases were consolidated. The IRS fought the suit vigorously in 1977, but in 1978, it ceased to defend the case and on August 22, 1978, itself proposed similar regulations to be imposed on private schools throughout the United States. In the meetings which led to these regulations, attempting to settle the Green/Wright case out of court, the only Green/Wright intervenor still desiring to argue against the outcome sought by the plaintiffs, and now by the IRS, the Briarcrest Christian School of Memphis, Tenn., which had standing in the case itself, was excluded.

The proposed regulations included the presumption of guilt against private schools expanded during periods of desegregation, including busing, against which IRS had argued in 1977. A school so expanded, even though it had never refused an application by a minority student, would not only have to prove its absence of discriminatory intent, but would have to advertise for minority students and faculty members and meet hiring and enrollment guidelines dictated by the IRS.

Congress repeatedly adopted the Ashbrook and Dornan amendments which prevented the IRS from imposing these burdensome and unfair regulations on private schools throughout the United States. Meanwhile, Judge Hart has ordered the IRS to impose these rules on Mississippi's private schools, and is presently considering whether or not to order them applied, in direct contradiction to clear and repeatedly expressed congressional actions via the Ashbrook and Dornan amendments, on other States and therefore the Nation as a whole. Meanwhile, he has only after a difficult fight allowed actual opponents of the regulations, those who, unlike the titular defendant, the Internal Revenue Service, are against their imposition, to intervene in the case.

Recently, an adverse ruling by the U.S. Court of Appeals for the District of Columbia paved the way for Judge Hart to make these regulations apply to the entire Nation.

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

Mr. ASHBROOK. I yield to the gentleman from Ohio.

Mr. GRADISON. Mr. Chairman, am I correct that Judge Hart's ruling applied to a single State?

Mr. ASHBROOK. The gentleman is correct.

Mr. GRADISON. Was that the State of Mississippi?

Mr. ASHBROOK. That was the State of Mississippi.

Mr. GRADISON. Is it the position of the gentleman in the well that Judge Hart's ruling should not be interpreted by the Internal Revenue Service to apply outside of the State of Mississippi?

Mr. ASHBROOK. That would be my interpretation. That would be my hope; yes.

Mr. GRADISON. Would the gentleman agree that the Internal Revenue Service, however, is bound to apply Judge Hart's ruling in the State of Mississippi since it did apply to nonpublic schools in that State?

Mr. ASHBROOK. I would say that is correct. It is an unfortunate fact of life. I am sure my friend, the gentleman from Ohio, knows that the IRS in 1978 ceased to defend that case.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ASHBROOK) has expired.

(By unanimous consent, Mr. ASHBROOK was allowed to proceed for 4 additional minutes.)

Mr. ASHBROOK. On August 22, 1978, the IRS itself proposed regulations which it was defending against in the previous year in the Green case. There really was no litigation. It was a sweetheart case. It was never defended properly but it was resolved, like it or not. Now they are trying to use that as a handle to go to the other 50 States. That is precisely what I am talking about.

Mr. GRADISON. Will the gentleman's amendment make it possible for the Internal Revenue Service to use funds appropriated today for implementation of Judge Hart's ruling in the State of Mississippi?

Mr. ASHBROOK. It is my understanding, I say to my colleague, that the IRS has already sent out their letters, has already moved to implement the Green decision in Mississippi. It is not my intention to prevent that but I would if I could. I think it was a mistake. I think it was sweetheart litigation at its worst, but I am really talking about—and it is not very fair to my friends from Mississippi; they should have been defending that when it happened—but I am saying this cancer should not spread to the other 49 States.

Mr. GRADISON. I thank the gentleman.

Mr. ASHBROOK. I appreciate my colleague's inquiry.

Mr. DORNAN of California. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

Mr. Chairman, my amendment to the Treasury, Postal Service, and General Government appropriations bill which relates to the tax-exempt status of private schools and which prohibits the Internal Revenue Service from using any funds for the implementation of the proposed revenue procedures of August 22, 1978, and February 13, 1979, or parts thereof, is being circumvented in a cavalier fashion by the Federal courts. The courts, as well as the IRS, which claims to be under court order, have ignored congressional intent by ignoring the last three words of my amendment, "or parts thereof." As a result, the IRS, under Federal court order, has been adopting part of the aforementioned revenue procedures by repackaging them as other guidelines.

In 1979, the IRS filed a memorandum in the U.S. District Court for the District of Columbia which suggested that the court might either declare the Dornan and Ashbrook amendments unconstitutional or interpret them narrowly to "permit the implementation of new, more stringent rules." On June 18, 1981, the U.S. Court of Appeals for the District of Columbia in Wright against Regan not only misinterpreted but misquoted my amendment claiming that it only prohibits funds to "carry out the IRS proposals." Correctly quoted, my amendment prohibits funds for the implementation of the initial and revised proposed revenue procedures "or parts thereof." The court's omission of the last three words totally changed the meaning of my amendment. Moreover, as a result of that same decision, Wright against Regan, the way has been paved for a possible, even probable, ruling by Judge Hart of the U.S. District Court for the District of Columbia which would implement significant parts of the proposed IRS revenue procedures forbidden by my amendment and which would threaten the tax-exempt status of every private and religious school in the Nation. A private school would be presumed guilty of discrimination until it proved itself innocent. This would be a flagrant and outrageous inversion of our entire legal tradition which presumes a party innocent until proven guilty.

Mr. Chairman, it is clearly evident that the Federal courts, under the guise of interpreting "public policy," have, in fact, been acting totally contrary to law and public policy by usurping Congress constitutional authority to define the tax policy of this Nation. Congress, not the courts, is empowered to exercise the power of the purse. The attempt on the part of a handful of judges to delegate to themselves the power to determine public tax policy is nothing less than an exercise in raw judicial power and a violation of the separation of powers. To the extent that the legislative process is circumvented in favor of legal proceedings in the courts regarding questions of national public policy, the art of self-government is vitiated. If representative government is to have any meaning, it is the representatives of the people who must have the authority to determine matters of public policy, not unelected judges or unelected bureaucrats.

IRS COVERUP OF "SWEETHEART SUIT" AGGRAVATES A CONFRONTATION BETWEEN CONGRESS AND THE FEDERAL COURTS OVER THE ASHBROOK AND DORNAN AMENDMENTS

BACKGROUND

In 1979 Congress passed two amendments to the Treasury Appropriations Act which prohibited funds for implementation of harsh and unfair IRS quotas and affirmative action requirements for tax-exempt schools. They remain in force under provisions of the continuing resolution for the Treasury Appropriations Act. Unknown to most people, the IRS has devised a scheme to flout the Congressional enactments by intentionally losing a court case, Green v. Miller, so that IRS would be ordered by a federal court to violate the amendments. In other words, the IRS was the defendant in a lawsuit in which the plaintiff had sought identical regulations as the IRS sought to implement. The IRS even made arguments that helped the plaintiff to win its case because the IRS wanted to lose. The IRS lost. The agency made no effort to appeal its loss because it got what it wanted by losing. This type of litigation, known as a sweetheart suit, is an unethical means for two collusive parties to obtain mutually desired objectives by falsely posing as adversaries in court.

The chronological sequence of the most significant developments follows:

1971—The U.S. Supreme Court upheld the U.S. District Court ruling in Green v. Connally that tax exemptions for private segregated schools in Mississippi violate "federal public policy." IRS made the provisions of this order apply to the entire nation in Revenue Ruling 71-447.

July 23, 1976—The original Green plaintiffs reopened the case asking for a drastic new order prohibiting tax exemptions to schools that were "established or expanded" during periods of desegregation in nearby public school districts.

July 30, 1976—The Wright plaintiffs from six states outside Mississippi filed an almost identical suit. The cases were later consolidated and caused the crisis which exists today.

May 10, 1977—The IRS strongly defended against the arguments of the Green and Wright plaintiffs. The IRS noted that there were many valid reasons that a school could be established or expanded "other than an intent to discriminate."

June 28, 1978—The IRS reversed its position and began to advocate the same position as the Green and Wright plaintiffs, that is, that the IRS should adopt new regulations. The litigation became a sweetheart suit at this time. The IRS reached an agreement with the plaintiffs in unethical secret meetings in which the only third party intervenor in either case was neither notified of, nor allowed to participate in the lengthy out-of-court settlement.

August 22, 1978—The IRS published a proposed revenue procedure on tax-exempt schools in the Federal Register in an attempt to settle the sweetheart suit. 150,000 letters of protest were received by the IRS. The IRS held hastily called hearings, but totally disregarded arguments pointing out its total absence of statutory authority, constitutional problems and unfair presumptions of guilt which require harsh quotas and affirmative action requirements in order for a school to prove its innocence.

February 13, 1979—The IRS published its revised proposed revenue procedure for tax-exempt schools in the Federal Register. It was generally considered to be worse than the original proposal because it was more subjective and vague, and it indicated a total disregard for the legal arguments that were presented against it.

September 29, 1979—The Treasury Appropriations Act containing the Ashbrook and Dornan Amendments became law. The Amendments prohibited funds for implementation of any parts of the proposed revenue procedures.

October 25, 1979—The IRS filed a memorandum aimed at getting the Wright case thrown out so that it could lose in Green. The IRS suggested that the court might either declare the Ashbrook and Dornan Amendments to be unconstitutional or interpret them narrowly, "to permit the implementation of new, more stringent rules." The IRS argued that the "difficult issues" should "be more properly addressed in the Green litigation where the question of standing had been decided." Note: This was the key to the IRS scheme to get the court to order the agency to violate the Amendments. The IRS wanted to have the Wright case thrown out because it had a troublesome intervenor, and it would excite too much public opposition if an order were im-

mediately handed down which applied to the entire nation. The Wright case was consolidated with the Green case at this time, and the IRS was especially desirous of having the Wright case thrown out in order to lose the Green case. The IRS plan was to get precedent established in Mississippi in the Green case which would provoke less national opposition. After precedent could be established in Mississippi, the standards set for that state would be applied to the entire nation as the IRS did following the 1971 Green v. Connally decision.

November 26, 1979—Judge George Hart followed the IRS suggestion and threw the Wright case out of court. The Wright plaintiffs appealed, but the IRS was now free to proceed to lose the Green case.

November 27, 1979—The IRS filed its legal memorandum (already prepared!) in the Green case that clearly showed its desire to lose. This is the "smoking gun" of the sweetheart suit. The IRS "defense" argued that "defendants strongly believe that additional guidelines in this area are needed." Furthermore, the IRS claimed that "compliance with the restrictions may raise serious constitutional questions." Again the IRS argued that the Amendments "may be overcome" by a court "either declaring the riders unconstitutional," or "interpreting the riders narrowly, to permit the implementation of new, more stringent rules." These indredible arguments were made so that the IRS would lose its case! The evidence is clear that the IRS actively promoted the interests of the Green plaintiffs at the expense of government interests.

May 5, 1980—Judge George Hart ruled against IRS in the Green case. Yet, the IRS made no effort to appeal because it had wanted to lose.

June 12, 1980—Judge Hart clarified his order of May 5.

July 9, 1980—Judge Hart denied a motion to intervene by First Presbyterian Church of Jackson, Mississippi. This was extremely unfair because neither the IRS nor the Green plaintiffs had anything to lose in the lawsuit, and the church could lose its tax exemption because of their "sweetheart suit."

July 10, 1980—Assistant IRS Commissioner S. Allen Winbourne filed an affidavit in U.S. District Court describing IRS enforcement of the Green order. All the activities that he described were prohibited by the Ashbrook and Dornan Amendments, and they involved substantial illegal expenditure of funds.

May 14, 1981—After lengthy and inexcusable refusals to allow church schools to intervene in the Green case, Judge Hart finally allowed Clarksdale Baptist Church to intervene. (Another church remains unfairly excluded.) Judge Hart is only allowing "discovery," however. He continues to adamantly refuse to allow witnesses to testify in a public trial that can be observed by the press, other churches, Congressional staffs, or even the judge himself!

June 18, 1981—The U.S. Court of Appeals for the District of Columbia ruled 2-1 that the Wright plaintiffs have standing to sue the IRS. This reversed Judge Hart's decision of November, 1979, and it means that a court order for the entire nation is now possible, even probable!

Note: Writing for majority, Judge Ruth Bader Ginsburg not only misinterpreted but she misquoted the Dornan Amendment claiming that it only prohibits funds to "carry out [the IRS proposals]." Correctly quoted, the Dornan Amendment prohibits funds for the initial and revised proposed revenue procedures "or parts thereof." Judge Ginsburg's omission of the last three words totally changed the meaning of the Amendment. The three words were included by Congressman Dornan to prevent exactly what the IRS and the federal courts are now doing, that is, adopting "parts," indeed the most significant parts of the proposed revenue procedures by repackaging them as other guidelines.

Finally, Ginsburg wrote that the Green case "has the earmarks of a fully adversary contest." This is preposterous. As noted above, the defendant (IRS) vigorously promoted adoption of the demands of the Green plaintiffs. When blocked by the two amendments, the IRS made "sweetheart" arguments in federal court so that it would lose its case and be ordered to violate the amendments.

CONCLUSION

The IRS has provoked a major confrontation between Congress and the federal courts by deliberately losing its case in Green v. Miller. Mishandling of both the Green and Wright cases has recently also contributed to the loss in Wright v. Regan. Yet, this is exactly what the IRS wanted—to lose its case, and be ordered by the federal court to violate the Ashbrook and Dornan Amendments.

Although the IRS is fully culpable for its role in helping to cause the present crisis, at least three federal judges are equally guilty of misconduct. Judges Ruth Bader Ginsburg, Skelly Wright and George Hart have openly joined in furtherance of the goals of the collusive litigation.

Judge Wright signed Judge Ginsburg's opinion in which she misquoted the Dornan Amendment and other verifiable facts. This is more than obvious incompetence. It is a deliberate attack on the civil rights of private and religious schools through a "sweetheart suit" which seeks a court order requiring the IRS to adopt discriminatory regulations against innocent schools.

IRS officials and attorneys from the Justice Department's Tax Division have gone to great lengths to conceal their illegal and unethical activities in the collusive litigation. The IRS refuses to answer questions, even from members of Congress, about the "sweetheart suit."

Congress must insist that its legislative prerogatives will not be usurped by Federal judges and bureaucrats through collusive litigation. Congress must halt this sham.

□ 1650

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

Mr. Chairman, I oppose the amendment for a very simple reason, and that is that this committee and no one on this side even saw the amendment prior to the time that the gentleman from Ohio was in the well.

It is my understanding that the gentleman from Ohio did not even check with the Parliamentarian with regard to the one factor that is most important, and that is whether or not the amendment is germane from the standpoint of whether it becomes legislation in an appropriation bill.

Now, is that correct? May I ask the gentleman from Ohio whether or not all of this has been cleared before the amendment was offered?

Mr. ASHBROOK. The gentleman from Ohio always goes to the Parliamentarian whenever there is a question. I do not know of any question on this amendment. We might vote it up or down, but it certainly is within the province of the Congress to limit.

Mr. ROYBAL. I will ask the gentleman, does the gentleman know whether or not this is in fact legislation on an appropriation bill? I do not know, and I just want to know if the gentleman does have that knowledge.

Mr. ASHBROOK. I would say to my colleague that section 616 now refers to policies, procedures, guidelines, regulations, standards. I am only adding the words "court order."

Mr. ROYBAL. Does the gentleman guarantee then that it is not legislation on an appropriation bill?

Mr. ASHBROOK. No, I do not guarantee. I was prepared to defend it if my colleague had raised a point of order, I would say that; yes.

Mr. ROYBAL. The gentleman was probably prepared to defend it. Had the gentleman given me the amendment prior to the time he took the floor, perhaps I could have read it before that time. But that was not the case.

Mr. ASHBROOK. If my colleague will yield, the amendment was handed to my colleague before the previous amendment was offered by the gentleman from Georgia, I would be frank to say.

Mr. ROYBAL. I beg to differ with the gentleman from Ohio. But if the amendment was in fact given to us on this side, we knew nothing about it and had no time to read it prior to the time the gentleman was in the well.

Now, perhaps the gentleman can further explain the amendment. What does it do?

Mr. ASHBROOK. I will say to my colleague that it merely adds the words "court order" on line 17 after the word "standard."

Mr. ROYBAL. Yes. But it also goes beyond that; does it not?

Mr. ASHBROOK. Prior to August 22.

Mr. ROYBAL. The present language on line 20 says, "unless in effect on the date of the enactment of this Act into law."

That is changed retroactively to August 22, 1978.

Mr. ASHBROOK. The same language which is in line 12 of section 615, the same language that we had in the amendment of 1 year ago, the same language in the amendment of 2 years ago, the same cutoff date. I made it clear at the time that IRS should be able to proceed on the basis of the regulations they had in existence. If they know of discrimination, they can litigate, they can withdraw

the tax-exempt status, anything that they could do prior to August 22, 1978, the time when they endeavored to implement these Draconian regulations, could be implemented by IRS. In no way am I trying to impinge on IRS's ability to withdraw the tax-exempt status of any school which might violate the law. That is why the words "August 22, 1978," are in there. They were a part of the previous debate, and that is why I am implementing them here.

Mr. ROYBAL. But the truth of the matter is that the gentleman does go back to August 22, 1978?

Mr. ASHBROOK. Absolutely correct, yes; as our previous debate set up that date.

Mr. ROYBAL. Since the committee had absolutely no hearings on this matter, and since the committee had no testimony on the matter, I still, Mr. Chairman, urge that this amendment not be agreed to.

□ 1700

Mr. PHILIP M. CRANE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as ranking minority member of the House Ways and Means Subcommittee on Oversight with jurisdiction over the IRS, I strongly support the adoption of the amendment offered by Mr. ASHBROOK. A recent decision by the U.S. Court of Appeals for the District of Columbia greatly increases the likelihood of a Federal court order adversely affecting the rights of every private and religious school in the Nation. The court ruled in Wright against Regan that the Wright plaintiffs have standing to sue for such an order. Writing for the majority, Judge Ruth Bader Ginsburg stated that the decision did not deal with the substance of the arguments in the case. But she did exactly that; she wrote an opinion that deals heavily with the substance of the issues, and she instructed the lower court to ignore many of the arguments that are important in the litigation. Ginsburg and Judge Skelly Wright, who joined her in the split decision, have compounded an already dangerous situation which was created by the mishandling of the litigation by the Internal Revenue Service and attorneys from the Justice Department.

The Ashbrook amendment is necessary to end the crisis which had developed as a result of continued efforts by the Internal Revenue Service to implement unfair affirmative action guidelines and quotas for tax-exempt schools. The problem should have ended 2 years ago when Congress passed two amendments which prohibited funds for implementation of the proposed IRS rules.

Since that time, however, my office has made a careful study of this matter, and I have discovered a far more intriguing scheme for bureaucratic abuse of power than I had previously suspected. What has emerged is a very clear picture of collusive litigation in which the IRS is the defendant. The IRS has acted to promote the interests of the Green and Wright plaintiffs who were suing the agency. Instead of properly defending its case in order to win, the IRS suggested legal arguments in Federal court that would cause it to lose, and be ordered to implement the same type of regulations that Congress had prohibited.

After reviewing the numerous irregularities and unethical conduct of some of the participants in the Green and Wright cases, however, I have found that the most serious wrongdoing that should concern the Congress is that of the IRS and the Federal courts. Those who have studied the two court cases have properly termed the litigation a "sweetheart suit" because the IRS had more interest in losing its case than in winning it.

Although many agreements in the sweetheart suit occurred in secret meetings, the public record is replete with abundant evidence to prove that the litigation was a sham. The chronological summary was introduced by my colleague from California (Mr. DORNAN).

It is beyond dispute that the litigation was collusive, not adversarial. The evidence is clear from court records and public statements by IRS officials.

First. The IRS publicly advocated the same position as the Green and Wright plaintiffs; namely, that the IRS should adopt the new regulations.

Second. The IRS agreed to implement the proposed revenue procedure in secret meetings with the Green and Wright plaintiffs. The only third party intervenor was unethically excluded, indeed, he was not even notified of these closed meetings to which the IRS admitted to having spent "many hundreds of hours." No disciplinary action has yet been taken against those attorneys who participated in this abuse of the intervenor's rights.

Third. The IRS lobbied against the Ashbrook and Dornan amendments.

Fourth. Instead of defending the amendments, the IRS suggested legal interpretations that would lead the Federal court to ignore the amendments, and cause the IRS to lose its case. The IRS lost.

Fifth. The IRS made no effort to appeal its loss in the Green case because it desired the results obtained by losing.

When like-minded plaintiffs and defendants use the Federal judiciary to obtain mutually desired results, it should attract the attention of Congress. Whenever such sham litigation is used to usurp the legislative authority of Congress, strong action is required.

All of this controversy has continued despite the fact that the IRS lacks a single sentence of statutory authority for its actions. How, then, does the IRS claim to have any authority for its actions? Former IRS Commissioner Jerome Kurtz gave us some insight into the mentality which is used for the IRS rationale in a speech of January 9, 1978:

> We have almost no specific statutory guidance; our authority and obligations on racial issues derive from the constitutional doctrine in Brown v. Board of Education in 1954 and cases enforcing it, and from broad national policy announced in the 1964 Civil Rights Act.

Kurtz further stated that these questions put the IRS "on the cutting edge of developing national policy."

Authority, according to the IRS, comes not from written law, but from "national policy" or as it is more often called public policy. Such a doctrine strikes at the heart of the rule of law under the Constitution.

What is public policy? Who decides?

The very first sentence in the Constitution provides the mechanism for Congress to enact a public policy into a written statute if it is to have the force of law. To do otherwise does violence to the Constitution and places free government in peril.

For Congress to acquiesce to any other branch's attempt to rule in the name of public policy sanctions a mechanism which will invite the most irresponsible and promiscuous abuse of authority by unelected officials that our Nation has ever seen. It would write a blueprint for minority rule, a charter for elitist tyranny.

If the IRS feels that it needs more authority, let the agency draft legislation and present it to the Congress for our consideration. No legislation has been forthcoming. Instead, the IRS proceeds down its reckless pathway, violating the civil rights of private and religious schools while reciting the specious arguments that it must conform to "public policy."

Few have weighed the multiplicity of consequences of the course which the IRS now pursues. When the IRS applies its perverse concept of public policy to religious institutions, for example, it necessarily federalizes religion. It makes religion subject to the whims of unelected bureaucrats and judges who insist that religion must reflect public policy. Religious institutions are not instruments of public policy.

We have such a wide diversity of religious groups in this Nation that only the most foolhardy would begin to suggest that they must reflect and conform to public policy. Furthermore, if an integrated religious institution is denied tax exemption because of its refusal to comply with IRS quotas and affirmative action guidelines, we will quickly develop two class-

es of religious groups; those favored by the state and those that are not favored. We will return to an established religion. That is what the first amendment was designed to prevent.

It is significant to note that many of the favored, established religious groups that would be allowed to retain their tax exemption advocate abortion, homosexuality and witchcraft. Other tax-exempt organizations promote pornography, legalization of dangerous drugs, and distribution of contraceptives to minor children without parental consent. The Federal Government has no business in lending itself to the assertion of the doctrinal supremacy of any such religious worldviews over those of law-abiding religious groups that rightfully oppose the wrongful federalization of their schools.

The public policy arguments are attracting some of the harsh criticism that they deserve. Attorney Marvin Braiterman and church-state specialist Dean Kelley of the National Council of Churches have cogently rejected any attempt to make religious institutions subject to public policy as a condition for tax exemption. They noted:

If and when religious bodies show by prevalent misbehavior that they need more careful regulating, there will be time enough to propose closer strictures in the law. But the burden of proof should be upon those who seek to justify such regulation, not upon religious bodies to resist it, and the burden should be a heavy one. It should not be deemed to have been met by pointing to a few isolated instances of supposedly scandalous behavior on the part of a few leaders or adherents of religion, particularly when most such instances could be dealt with by careful but conscientious application of existing law.

Even if public policy were a valid basis for the rule of law, which it certainly is not, it is the IRS and the Federal courts which now violate it, not the innocent private and religious schools that would unfairly suffer because of their actions. If our Constitution means anything concerning what might be called public policy, it clearly means that we have a public policy protecting private and religous schools against the abuses of power by the IRS and Federal courts. There is no public policy that requires, or even allows, what has been called a vendetta against these institutions.

In every sense the actions of the IRS and the Federal courts are illegal and unconstitutional. The amendment makes it clear in the strongest possible terms that those actions are totally contrary to law and public policy.

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

Mr. PHILIP M. CRANE. I yield to the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by Mr. ASHBROOK. My office has learned of a recent ruling by the U.S. Court of Appeals of the District of Columbia in Wright against Reagan which opens the door for a nationwide court order requiring tax exempt private and religious schools to comply with harsh and unfair quotas and affirmative action guidelines.

Most people felt that when the Ashbrook and Dornan amendments passed in 1979, they clarified Congress position on this issue, and that the problem was solved.

The proposed IRS revenue procedures would have resulted in innocent private schools losing tax-exempt status even though they never refused enrollment to a single minority student. According to our constitution Congress has exclusive power over the Nation's purse. Congress simply cannot tolerate Federal agencies and the Federal courts illegally spending funds for purposes which Congress has prohibited.

I think it is significant that not one sentence of statutory authority exists to support the notion that IRS is required to implement the guidelines.

The actions of the IRS and the Federal courts by attempting to implement these regulations have circumvented the Ashbrook and Dornan amendments which clearly prohibit funds for implementing these types of regulations. This is totally contrary to the law and to public policy.

If we do not clarify Congress position, we will be setting a dangerous precedent and will be faced with similar problems in many different areas from year to year.

Mr. PHILIP M. CRANE. I thank the gentleman for his remarks and I urge my colleagues to support the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

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

Mr. Chairman, we have some checks on the actions of Congress in this country, the Constitution of the United States, and our independent judiciary, two of the great bulwarks of our freedoms.

If any court procedure has been improper, of course we cannot condone it or support it. The laws must be implemented through the just and right decisions of the courts and we cannot condone my procedure that is in defiance of those regulations and rules.

But surely we cannot vote for this amendment. We know what has happened in this country. We know that there are schools that have been set up deliberately in defiance of the law designed to end segregation and to give an equal opportunity for education to all our children.

We know the facts of life; and when the courts intervene, as they must from time to time, saying to Congress, or to any legislature, you have gone too far, you have abridged the rights of the people of this Nation, we must obey. And the courts must do that whenever we have transgressed or violated the provisions of the Constitution and the amendments of the Bill of Rights.

We know what we are doing. We cannot deny the duty—more than the right—the duty of the court to intervene where the law has been defied, where schools or any other institution has been set up to twist or pervert or defy the intent of the Constitution and the law.

We have tried hard in this country, although not hard enough, to make sure that we end the ugly question of discrimination on the grounds of race. We cannot, it seems to me, start now to unravel that fabric which was built with so much effort and good will, and on the basis of so much suffering.

● Mr. LOTT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio, and I would like to review some of the unhappy history which makes the amendment necessary.

The first step in that history makes it absolutely clear that this is not a racial issue. Ten years ago, during the first round of the Green case, the District Court for the District of Columbia ruled that the Internal Revenue Code, not the Constitution, denies income tax exemptions to schools guilty of racial discrimination. The Supreme Court has never reviewed that ruling on the merits, although it will be asked to do so this fall by Bob Jones University, but the validity of that ruling is in no way challenged by this amendment. The IRS remains free to deny exemptions to any school proven guilty of discrimination, and I have no doubt they will continue to enforce that standard as vigorously as they have in the past. Indeed, in the reopened Green litigation the court ruled last year that the IRS had faultlessly enforced the regulations and orders as they existed in 1978, the date specified in this amendment.

The issue, then, is not racial discrimination but simple fairness for parents and schoolchildren. The original version of this amendment was passed because the IRS under the previous administration wanted to do away with the formality of having to prove a school guilty before revoking its exemption. The Congress quite rightly felt that the most basic principles of due process dictated that any person or any organization in a civilized society must be presumed innocent until proven guilty, and we prevented the IRS from changing the law by denying it funds for that purpose.

That should have ended the story, but it did not. A collection of special

interest groups, with the apparent collusion of several of the previous administration's lawyers, went back to court and sought there to impose the very regulations that Congress had acted to block. The district court in Green completely ignored the expressed intent of Congress and ordered the regulations into effect in my home State of Mississippi. The rest of the Nation was inexplicably spared, but the court of appeals, by a 2-to-1 vote, has ordered the district court to begin the process of applying those rules nationwide. By the time this bill comes back to us next year, many other Members of this body will be hearing the same cries for fair play from their constituents that I am hearing from mine.

I must say, at this point, that I am delighted with the cooperation that we in Mississippi have received from Commissioner Roscoe Egger from the IRS. As it is, the IRS was instrumental in securing the intervention of the Clarksdale Baptist Church into the Green case. Now, for the first time, some of the parents and children whose futures are being determined by the court are actually present in the case to have their voices heard. Through their efforts, the court has already ordered the IRS to end its surveillance of church schools in Mississippi until the important first amendment issues raised by the case have finally been resolved.

While this step represents real progress, it may be only a temporary respite for the church schools, and it provides no relief at all for secular institutions. The simple question we must resolve here today is whether this Congress has the will and the power to end this judicial usurpation of legislative authority and to secure the most basic elements of due process for parents and schoolchildren.

What this amendment does is to make sure that the IRS cannot use the taxpayers' money illegally, even though a court may violate the law. If this amendment passes, the IRS will still be free to investigate charges of racial discrimination. It will be free to deny exemptions to any institution proven guilty of racial discrimination through fair hearings. In short, it will be free to enforce the regulations and court orders in effect in 1978. What it will not be free to do is to use one single penny of the taxpayers' funds to enforce the perversions of the law mandated by a single Federal judge in the 1980 Green orders. The IRS will simply have to go to the court and say that they can no longer assist the court in its supervision of private schools.

Some will say that this constitutes legislation on an appropriation bill. It does not. This amendment simply seeks to preserve the existing law, not to change it.

Some will say that this is a dangerous infringement upon the powers of the court. I say that this is an essential check against the court's dangerous infringement upon the powers of Congress. Remember that no court has ever said that these draconian denials of due process are mandated by the Constitution. On the contrary, the courts take the incredible position that they are only enforcing the will of the Congress.

The courts may well have the last word on the Constitution, but this Congress has the first and last word on its own statutes. I urge you to speak that last word today. In our system of checks and balances, the people's elected representatives have full control over the power of the purse. It was the first and most important power which Parliament wrested away from the English kings, and the framers of the Constitution saw to it that it remains in the people's hands. If we surrender that power to the courts, then we throw away centuries of democratic progress. I urge you to use that power today to insure that the people's money is not used to enforce the lawless dictates of a single judge.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 83, not voting 14, as follows:

[Roll No. 183]

AYES—337

Addabbo	Brooks	Daub
Akaka	Broomfield	Davis
Albosta	Brown (CO)	de la Garza
Alexander	Brown (OH)	Deckard
Anderson	Broyhill	DeNardis
Andrews	Burgener	Derrick
Annunzio	Butler	Derwinski
Anthony	Byron	Dickinson
Applegate	Campbell	Dicks
Archer	Carman	Dingell
Ashbrook	Carney	Donnelly
Aspin	Chappell	Dorgan
Atkinson	Chappie	Dornan
Badham	Cheney	Dougherty
Bafalis	Clausen	Dowdy
Bailey (MO)	Clinger	Dreier
Bailey (PA)	Coats	Duncan
Barnard	Coelho	Dunn
Beard	Coleman	Dwyer
Benedict	Collins (TX)	Dyson
Bennett	Conable	Early
Bereuter	Conte	Eckart
Bethune	Corcoran	Edwards (AL)
Bevill	Coughlin	Edwards (OK)
Blanchard	Courter	Emerson
Bliley	Coyne, James	Emery
Boggs	Craig	English
Boland	Crane, Daniel	Erdahl
Boner	Crane, Philip	Erlenborn
Bonker	D'Amours	Ertel
Bouquard	Daniel, Dan	Evans (DE)
Bowen	Daniel, R. W.	Evans (GA)
Breaux	Dannemeyer	Evans (IA)
Brinkley	Daschle	Evans (IN)
Fary	Latta	Roberts (KS)
Ferraro	Leach	Roberts (SD)
Fiedler	Leath	Robinson
Fields	LeBoutillier	Roe
Findley	Lee	Roemer
Fish	Lent	Rogers
Fithian	Levitas	Rose
Flippo	Lewis	Rostenkowski
Florio	Livingston	Roth
Foglietta	Loeffler	Roukema
Foley	Long (LA)	Rousselot
Ford (MI)	Lott	Rudd
Forsythe	Lowery (CA)	Russo
Fountain	Lujan	Santini
Fowler	Luken	Sawyer
Frenzel	Lungren	Schulze
Frost	Madigan	Sensenbrenner
Fuqua	Markey	Sharp
Gaydos	Marks	Shaw
Gephardt	Marlenee	Shelby
Gibbons	Marriott	Shumway
Gilman	Martin (NC)	Shuster
Gingrich	Martin (NY)	Siljander
Ginn	Mattox	Skeen
Glickman	Mavroules	Skelton
Goldwater	Mazzoli	Smith (AL)
Goodling	McClory	Smith (IA)
Gore	McCollum	Smith (NE)
Gradison	McCurdy	Smith (NJ)
Gramm	McDade	Smith (OR)
Gregg	McDonald	Smith (PA)
Grisham	McEwen	Snowe
Guarini	McGrath	Snyder
Gunderson	Mica	Solomon
Hagedorn	Miller (OH)	Spence
Hall (OH)	Mitchell (NY)	St Germain
Hall, Ralph	Moakley	Stangeland
Hall, Sam	Molinari	Stanton
Hamilton	Mollohan	Staton
Hammerschmidt	Montgomery	Stenholm
Hance	Moore	Stratton
Hansen (ID)	Moorhead	Stump
Hansen (UT)	Morrison	Tauke
Harkin	Mottl	Tauzin
Hartnett	Murphy	Taylor
Hatcher	Murtha	Thomas
Heckler	Myers	Traxler
Hefner	Napier	Trible
Heftel	Natcher	Udall
Hendon	Neal	Vander Jagt
Hertel	Nelligan	Walgren
Hightower	Nelson	Walker
Hiler	Nichols	Wampler
Hillis	Nowak	Watkins
Holland	O'Brien	Waxman
Hollenbeck	Oakar	Weaver
Holt	Oxley	Weber (MN)
Hopkins	Panetta	Weber (OH)
Howard	Parris	White
Hoyer	Pashayan	Whitehurst
Hubbard	Patman	Whitley
Huckaby	Paul	Whittaker
Hunter	Pease	Whitten
Hutto	Pepper	Williams (OH)
Hyde	Perkins	Wilson
Ireland	Petri	Winn
Jacobs	Peyser	Wolf
Jeffries	Pickle	Wortley
Jenkins	Porter	Wright
Johnston	Price	Wyden
Jones (NC)	Pritchard	Wylie
Jones (OK)	Pursell	Yatron
Jones (TN)	Quillen	Young (AK)
Kazen	Rahall	Young (FL)
Kildee	Railsback	Young (MO)
Kindness	Regula	Zablocki
Kramer	Rhodes	Zeferetti
Lagomarsino	Rinaldo	
Lantos	Ritter	

NOES—83

AuCoin	Collins (IL)	Frank
Barnes	Conyers	Garcia
Bedell	Coyne, William	Gejdenson
Beilenson	Crockett	Gonzalez
Benjamin	Danielson	Gray
Biaggi	Dellums	Green
Bingham	Dixon	Hawkins
Bolling	Downey	Hughes
Brodhead	Dymally	Kastenmeier
Brown (CA)	Edgar	Kogovsek
Burton, John	Edwards (CA)	LaFalce
Burton, Phillip	Fazio	Lehman
Chisholm	Fenwick	Leland
Clay	Ford (TN)	Long (MD)

Lowry (WA)	Ratchford	Solarz
Lundine	Reuss	Stark
Matsui	Rodino	Stokes
McCloskey	Rosenthal	Studds
McHugh	Roybal	Swift
McKinney	Sabo	Synar
Mikulski	Scheuer	Vento
Mineta	Schneider	Washington
Moffett	Schroeder	Weiss
Oberstar	Schumer	Williams (MT)
Obey	Seiberling	Wirth
Ottinger	Shamansky	Wolpe
Patterson	Shannon	Yates
Rangel	Simon	

NOT VOTING—14

Bonior	Kemp	Mitchell (MD)
Cotter	Martin (IL)	Richmond
Fascell	Michel	Savage
Horton	Miller (CA)	Volkmer
Jeffords	Minish	

□ 1720

Messrs. DORGAN of North Dakota, BLANCHARD, and WALGREN changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

● Mr. BONKER. Mr. Chairman, from a political standpoint I must congratulate President Reagan on his victory yesterday on the tax cut vote. It demonstrates his continued strength and overwhelming persuasiveness.

Mr. Reagan has now had 100 percent of his economic recovery program approved by the Congress—budget cuts and tax cuts. He now has the full opportunity—and the full responsibility—to bring about economic recovery in this country.

From a substantive standpoint, however, I must confess grave misgivings over the President's victory.

I did not support the President's tax package, because I did not believe it to be in the best interests of the people of the Third District. According to most economists, it will prove inflationary, and it will result in massive budget deficits and continued high interest rates over the next 3 years.

The Congressional Budget Office has estimated that the Federal Government will run a budget deficit of $80 billion by 1984 if the President's 3-year tax cut were enacted.

Federal deficits are one of the chief causes of high interest rates, which have devastated the housing and timber industries in my district. Thousands of men and women in my district have been thrown out of work. In some of the counties that I represent, unemployment is a staggering 16 percent. All told, the unemployment rate in my district is 11 percent, compared to a national jobless rate of about 7.3 percent for the same period.

The President's budget cuts and yesterday's tax plan will be a savage one-two punch to the people of my district. Funding for social service programs, including unemployment compensation and job training, will be slashed just as high inflation and continued record interest rates—fueled by this tax cut—throw still more people out of work.

We must balance the budget. The Federal deficit is approaching $1 trillion; it cost $75 billion just to finance that debt last year. Mr. Reagan's tax cut proposal refuses to address these realities.

The vast majority of the people in the Third District agree with me on this point, even though many of them may support the President anyway. It is a testimony to his public relations skill.

In a recent poll I sent to all constituents in the Third District, 64 percent said they would not support a tax cut that results in higher Federal deficits.

Nationwide polls have found that 70 percent of all Americans would rather pass up a tax cut in 1982 in order to balance the budget.

In good conscience, I could not support a policy which would pay for a tax cut by Federal borrowing.

The second central issue in the tax debate was who would benefit.

The Reagan plan skewed the tax cut to the 5 percent of the population earning more than $50,000 a year.

The median income in the Third District is only $9,736, with a mere 18 percent of the families earning more than $15,000.

A tax cut that favors the wealthy simply is not in the best interests of my constituents.

Another disturbing factor in the Reagan proposal is that it ignores the interests of small business, the backbone of the American economy and of the Third District. The President has skewed his proposal to favor the largest corporations.

I supported a third alternative tax cut bill, which would have provided meaningful tax cuts for middle-income Americans and productivity incentives for American businesses but would have resulted in a $2 billion budget surplus next year, and a $20 billion surplus by 1983.

It did so by eliminating the billions of dollars of special interest loopholes for the oil companies and commodity traders found in the Reagan proposal.

A tax cut is overdue, but one that shortchanges working Americans is unfair.●

● Mr. FRENZEL. Mr. Chairman, This bill, even though it is consistent with the budget resolution and even though some of its worst flaws have been improved by amendment, still is not up to the quality we have come to expect from the Appropriations Committee.

This bill, by legislating under the guise of appropriating, has established employment flaws to which the administration objects. It has added unnecessary personnel at IRS. It has killed funds, for the Office of Policy Management, and for the OMB to operate the Paperwork Reduction Act, which are needed by the administration for the efficient management of the executive department.

Therefore, despite the fact that it is fiscally responsible, I will reluctantly be obliged to vote "no."●

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. ROYBAL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. STUDDS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4121) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1982, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendments?

Mr. MILLER of Ohio. Mr. Speaker, I demand a separate vote on the so-called Schroeder amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 5, line 24, strike "$206,625,000" and insert in lieu thereof, "$193,050,000".

The SPEAKER. The question is on the amendment.

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

Mr. MILLER of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 182, nays 233, answered "present" 1, not voting 18, as follows:

[Roll No. 184]

YEAS—182

Akaka	Aspin	Beilenson
Alexander	Atkinson	Benjamin
Anderson	AuCoin	Bennett
Andrews	Bailey (PA)	Bevill
Anthony	Bedell	Bingham

Bowen
Brinkley
Brooks
Brown (CA)
Brown (CO)
Burton, Phillip
Byron
Chappell
Clay
Coelho
Collins (IL)
Conyers
Crockett
Danielson
Daschle
de la Garza
Dellums
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dwyer
Dymally
Dyson
Edgar
Edwards (AL)
Edwards (CA)
English
Erlenborn
Ertel
Evans (IA)
Evans (IN)
Fazio
Ferraro
Findley
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Fountain
Frank
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Ginn
Glickman
Gramm
Gray
Guarini
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Hawkins
Hefner
Hertel
Hightower
Howard
Hoyer
Hubbard
Hughes
Hutto
Ireland
Jacobs
Jeffries
Jenkins
Jones (NC)
Jones (OK)
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lantos
Leach
Leath
Lehman
Leland
Levitas
Long (LA)
Long (MD)
Lowry (WA)
Lundine
Markey
Martin (IL)
Matsui
Mattox
Mavroules
Mazzoli
McCloskey
McCurdy
McDonald
McHugh
Mica
Miller (CA)
Mineta
Moakley
Moffett
Montgomery
Mottl
Murphy
Natcher
Neal
Nichols
Nowak
Oberstar
Obey
Ottinger
Panetta
Patman
Patterson
Paul
Pease
Perkins
Petri
Rangel
Ratchford
Reuss
Roemer
Rose
Rosenthal
Roybal
Santini
Scheuer
Schroeder
Seiberling
Sensenbrenner
Shamansky
Sharp
Shelby
Skelton
Smith (AL)
Smith (IA)
Snowe
Solarz
St Germain
Stark
Stenholm
Stokes
Studds
Stump
Swift
Synar
Tauke
Traxler
Udall
Walgren
Washington
Waxman
Weaver
Weiss
White
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wolpe
Wyden
Yates
Yatron

NAYS—233

Addabbo
Albosta
Annunzio
Applegate
Archer
Ashbrook
Badham
Bafalis
Bailey (MO)
Barnard
Barnes
Beard
Benedict
Bereuter
Bethune
Blanchard
Bliley
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Breaux
Brodhead
Broomfield
Brown (OH)
Broyhill
Burgener
Burton, John
Butler
Campbell
Carman
Carney
Chappie
Cheney
Clausen
Clinger
Coats
Coleman
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daub
Davis
Deckard
DeNardis
Derrick
Derwinski
Dickinson
Dicks
Dornan
Dougherty
Dreier
Duncan
Dunn
Early
Eckart
Edwards (OK)
Emerson
Emery
Erdahl
Evans (DE)
Evans (GA)
Fary
Fenwick
Fiedler
Fields
Fish
Fithian
Florio
Forsythe
Fowler
Frenzel
Frost
Garcia
Gilman
Gingrich
Goldwater
Gonzalez
Goodling
Gore
Gradison
Green
Gregg
Grisham
Gunderson
Hagedorn
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Heckler
Heftel
Hendon
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Huckaby
Hunter
Hyde
Johnston
Jones (TN)
Kastenmeier
Kazen
Lagomarsino
Latta
LeBoutillier
Lee
Lent
Lewis
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lungren
Madigan
Marks
Marlenee
Marriott
Martin (NC)
Martin (NY)
McClory
McCollum
McDade
McEwen
McGrath
McKinney
Michel
Mikulski
Miller (OH)
Mitchell (NY)
Molinari
Mollohan
Moore
Moorhead
Morrison
Murtha
Myers
Napier
Nelligan
Nelson
O'Brien
Oxley
Parris
Pashayan
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Regula
Rhodes
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roe
Rogers
Rostenkowski
Roth
Roukema
Rudd
Russo
Sabo
Sawyer
Schneider
Schulze
Schumer
Shannon
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snyder
Solomon
Spence
Stangeland
Stanton
Staton
Stratton
Tauzin
Taylor
Thomas
Trible
Vander Jagt
Vento
Walker
Wampler
Watkins
Weber (MN)
Weber (OH)
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

ANSWERED "PRESENT"—1

Rousselot

NOT VOTING—18

Biaggi
Chisholm
Cotter
Fascell
Harkin
Horton
Jeffords
Kemp
Minish
Mitchell (MD)
Oakar
Pepper
Richmond
Rodino
Savage
Simon
Volkmer
Wright

□ 1740

Messrs. DICKS, HUCKABY, and ROSTENKOWSKI changed their votes from "yea" to "nay."

Mr. FAZIO changed his vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

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

Mr. MILLER of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 323, nays 94, not voting 17, as follows:

[Roll No. 185]

YEAS—323

Addabbo
Akaka
Albosta
Alexander
Anderson
Annunzio
Anthony
Ashbrook
Aspin
Atkinson
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Bliley
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brooks
Brown (CA)
Brown (OH)
Broyhill
Burgener
Burton, Phillip
Butler
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Clausen
Clinger
Coats
Coelho
Coleman
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, William
Craig
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
DeNardis
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Duncan
Dunn
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (AL)
Edwards (OK)
Emerson
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Evans (IN)
Fary
Fazio
Ferraro
Fiedler
Findley
Fish
Fithian
Flippo
Foglietta
Foley
Ford (MI)
Forsythe
Frank
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Goldwater
Gonzalez
Goodling
Gore
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Hatcher
Hawkins
Heckler
Heftel
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Howard
Hoyer
Huckaby
Hunter
Hutto
Hyde
Ireland
Jones (NC)
Jones (TN)
Kastenmeier
Kazen
Kildee
Kindness
Kogovsek
Lantos
Latta
Leach
Lehman
Leland
Lent
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lundine
Lungren
Madigan
Markey
Marks
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (OH)
Mineta
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Morrison
Murphy
Murtha
Myers
Napier
Natcher
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Porter
Price
Pritchard
Quillen
Rahall
Railsback
Ratchford
Regula
Rhodes
Rinaldo
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Rogers
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Roybal
Rudd
Russo
Sabo
Santini
Sawyer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Shamansky
Shannon
Shaw
Shelby
Shuster
Siljander
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Spence
St Germain
Stangeland
Stanton
Staton
Stratton
Swift
Tauzin

Taylor	White	Wortley
Thomas	Whitehurst	Wright
Trible	Whitley	Wylie
Udall	Whittaker	Yates
Vander Jagt	Whitten	Yatron
Vento	Williams (MT)	Young (FL)
Walgren	Williams (OH)	Young (MO)
Wampler	Wilson	Zablocki
Watkins	Winn	Zeferetti
Waxman	Wolf	
Weber (OH)	Wolpe	

NAYS—94

Applegate	Glickman	Neal
Archer	Gradison	Ottinger
AuCoin	Gramm	Paul
Barnard	Gray	Petri
Blanchard	Hance	Pursell
Brodhead	Hansen (ID)	Reuss
Broomfield	Hartnett	Ritter
Brown (CO)	Hendon	Roemer
Burton, John	Hubbard	Rousselot
Chisholm	Hughes	Schroeder
Clay	Jacobs	Sensenbrenner
Collins (IL)	Jeffries	Sharp
Collins (TX)	Jenkins	Shumway
Conable	Johnston	Solomon
Coyne, James	Jones (OK)	Stark
Crane, Daniel	Kramer	Stenholm
Crane, Philip	LaFalce	Stokes
Crockett	Lagomarsino	Studds
Dellums	Leath	Stump
Derwinski	LeBoutillier	Synar
Dornan	Lee	Tauke
Dreier	Levitas	Traxler
Edgar	Lewis	Walker
Edwards (CA)	Lowry (WA)	Washington
Evans (IA)	Lujan	Weaver
Fenwick	Luken	Weber (MN)
Fields	Mattox	Weiss
Ford (TN)	McDonald	Wirth
Fountain	Miller (CA)	Wyden
Fowler	Moffett	Young (AK)
Frenzel	Moorhead	
Gejdenson	Mottl	

NOT VOTING—17

Andrews	Hefner	Rangel
Biaggi	Horton	Richmond
Cotter	Jeffords	Savage
Fascell	Kemp	Simon
Florio	Minish	Volkmer
Harkin	Mitchell (MD)	

□ 1800

The Clerk announced the following pairs:

On this vote:

Mr. Hefner for, with Mr. Richmond against.

Until further notice:

Mr. Biaggi with Mr. Jeffords.
Mr. Florio with Mr. Horton.
Mr. Mitchell of Maryland with Mr. Kemp.
Mr. Rangel with Mr. Simon.
Mr. Fascell with Mr. Minish.
Mr. Volkmer with Mr. Harkin.
Mr. Andrews with Mr. Savage.

Messrs. EMERSON, EVANS of Georgia, and MARLENEE changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, what report is this?

Mr. BOLLING. If the gentleman will yield, it is the report on a rulemaking in order two items, a separate free-standing bill to repeal the provisions in the conference report on reconciliation on the minimum social security benefit and the conference report on the reconciliation bill to be considered separately.

Mr. ROUSSELOT. Further reserving the right to object, why do they have to be separate?

Mr. BOLLING. Well, they are separate because that was the agreement that was reached between the majority and the minority of both the House and the other body, the leadership of both the majority and the minority of both the House and the other body. If they were together, they would have a direct effect on the reconciliation bill and, according to the situation that exists in the rules of the other body, as I understand it, it would open up the whole matter of the conference on reconciliation entirely.

I think I am correct in my understanding.

Mr. ROUSSELOT. Reserving the right to object, by making it separate, then, does that mean that that does not affect the reconciliation bill in any way?

Mr. BOLLING. No; it means that it could potentially affect the implementation of the reconciliation bill because I assume, that the free-standing bill is going to pass the House. My understanding is that when it goes to the other body, it will be referred to the committee, the Committee on Finance, as I understand it, and it will then be pending in that committee. I would suspect that it would pend for a while.

Mr. ROUSSELOT. How does this potentially affect the ability of the Social Security Subcommittee and the Ways and Means Committee to have a version of what changes should be made in social security?

Mr. BOLLING. It affects it, I would guess, moderately, but not terribly.

Mr. ROUSSELOT. Oh, I see. Well, has it been cleared with the Ways and Means Committee? Have they had an opportunity to discuss this?

Mr. BOLLING. There was participation by the chairman of the Ways and Means Committee in this arrangement, and I have heard no objection to the plan.

Mr. ROUSSELOT. The chairman of the Social Security Committee agrees that this is a great way to go.

Mr. BOLLING. I did not discuss the matter with anybody except those that I mentioned.

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

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

There was no objection.

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader or the majority whip if he might be good enough to lay out a scenario here of events, as he sees them, so that the chairman of the Rules Committee can convene his committee, as we had scheduled, for 6 o'clock.

Mr. FOLEY. If the distinguished Republican leader will yield, Mr. Speaker, it is the intention to take up tonight two additional rules and then to adjourn until tomorrow at 10 o'clock.

As the Members will note, previous agreement was reached for a 9 o'clock session tomorrow, and I will ask unanimous consent subsequently to meet at 10 o'clock rather then 9 o'clock.

Tomorrow we will take up the rule on the reconciliation bill and take whatever action is authorized by that rule. At the conclusion of that action, it would be the intention of the leadership to move that the House adjourn to meet on noon Tuesday.

On Tuesday the House would then consider the conference report on the tax legislation, if ready, and if it did not require any Rules Committee action. If Rules Committee action was required in the conference report, the House would consider an appropriation bill, and the Rules Committee action would then be taken and the House would meet on the following day, Wednesday, to complete action on the conference report.

At the conclusion of the tax conference report either on Tuesday or Wednesday, the House would take up its recess, as provided by law.

Reconciliation action would be taken tomorrow, in accordance with the rule.

Mr. MICHEL. If I might respond to what the gentleman has said, the gentleman would make a request that we come in at 10 o'clock rather than 9 o'clock, and in order to facilitate travel plans of some of our Members who want to utilize this weekend in one way or another, I would suggest and be amenable to our dispensing with 1-minute speeches tomorrow so that we might immediately proceed to the rule, and that would also accommodate our ranking member on Rules, who must necessarily be absent.

Mr. FOLEY. If the gentleman will yield further, such an accommodation would be agreeable to this side.

Mr. MICHEL. We would be happy to do that.

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

Mr. MICHEL. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I would like to call attention to the fact that we have tried to cooperate on the Appropriations Committee in reporting out appropriation measures in a timely manner, and will continue to do so; but I would like to call attention to my colleagues that we have only passed 5 bills out of 13 thus far. We will come back here in September and have only 3 weeks before the new fiscal year starts. If the proper appropriation measures are not enacted, on October 1 every Federal building in the country will close, under the opinion of the Attorney General. So the practice of just getting to appropriation bills when you get ready to is not the proper course of action to take. I have tried to point this out regularly. But I just want the Members to know that, to skip over the appropriations business, you are leaving dangling the very thing that is necessary if the Government is to continue to operate. And I think the Members ought to know that.

Mr. MICHEL. I would simply say that I am sure that after a recess, much deserved by the Members, they will come back so refreshed right after Labor Day that we would certainly do our best to accommodate the gentleman's request to expedite those money bills as fast as we can.

Mr. WHITTEN. I greatly appreciate the support of the gentleman. I was addressing the entire membership, as my friend knows.

Mr. LOTT. Did I understand the gentleman to say that he intends to notify the Members or ask unanimous consent or whatever that we come back in here at noon on Tuesday and that it now has been decided we will not be here on Saturday?

Mr. FOLEY. The gentleman is correct.

I might say, if the gentleman from Illinois will yield further, that the conferees, when they are appointed on the tax bill, have, I am advised, approximately 16 relatively major differences between the House and Senate version, even though they are close in many respects.

It is the opinion of the staff of the Ways and Means Committee and of the Joint Committee on Internal Revenue that it would require approximately 2 days to draft the conclusions of the committee in a form suitable for the conference report and so that the idea of finishing on Saturday, which was our original intention, seems to be a difficult concept to achieve in real circumstances because of the time required to do the drafting, even if the conferees can reach almost immediate agreement.

Now it would be our intention to try to avoid what would appear to be the worst consequences, which would be to have a Saturday session, to go late on Saturday and to find that the conference report documents were not available and we would have to go over in any event until next week.

So, it is an attempt to provide some relative information and certainty for the convenience of Members as to what we would be doing.

To repeat again, tonight the Rules Committee is expected to grant a rule for the consideration of the reconciliation bill. It is our intention to ask unanimous consent to come in tomorrow to take up that legislation and any separate legislation dealing with the minimum social security benefit, to then adjourn until Tuesday noon, and if at that time the conference report was ready, proceed immediately with it, and following its adoption, to take up the recess.

If a rule was required, because of any scope or technical problems, the House would consider an appropriation bill on Tuesday and the Rules Committee would meet and we would conclude action on the rule and on the conference report on Wednesday.

So the Members should expect that there would be an adjournment tomorrow as soon as our schedule is completed, that there would be a meeting at noon on Tuesday, and a possible meeting on Wednesday on which votes would be had.

Mr. LOTT. Mr. Speaker, some Members inquired if there would be any possibility of meeting on Monday or Tuesday. I presume the answer is "no" on Monday because of the necessary time for drafting the final decision on the tax bill and putting it into proper technical form and getting it available to the Members so that we could see what has actually been acted on; is that correct?

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

Mr. LOTT. I yield to the gentleman from Washington.

Mr. FOLEY. Yes; the gentleman is right. We are conscious of the fact, because the law requires a recess at midnight this week, on Saturday, and we have already agreed to suspend that, that, nevertheless, Members have made plans and we are trying to minimize the interference with their schedules and plans.

We do not feel that it is likely that this conference report would be ready for certain on Monday or we would probably schedule a Monday session.

It is the idea that Tuesday is the earliest practicable time we believe the conference report would be concluded and documentation ready for consideration by the House, we are suggesting the schedule of Tuesday.

Mr. LOTT. One final question so that the Members will know and can take actions accordingly.

Is that now the schedule that has been agreed upon and will be moved at the appropriate time by the gentleman?

Mr. FOLEY. The gentleman is correct.

The SPEAKER. The Chair would add that the other body has not as yet completed the House-originated tax bill and when they have amended it and sent the papers to the House, at that time conferees will be appointed.

HOUR OF MEETING TOMORROW

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight, it adjourn to meet at 10 a.m. tomorrow.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, I just asked the gentleman, why could we not come in at 9 o'clock and finish up a little earlier so Members would have a chance to go out of town?

The SPEAKER. The Chair will advise the gentleman that the Chair is attempting to accommodate the gentleman from Tennessee (Mr. QUILLEN), who has a personal commitment in the morning and could not be back by 9 a.m.

Also, the daughter of the chairman of the Committee on Ways and Means is graduating in Atlanta and the gentleman from Illinois (Mr. ROSTENKOWSKI) will not be here.

By mutual agreement it was agreed the House would come in an hour later.

Mr. WALKER. I thank the Speaker, and I withdraw my reservation of objection.

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

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4169, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1982

Mr. ZEFERETTI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 188 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 188

Resolved, That during the consideration of the bill (H.R. 4169) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year ending September 30, 1982, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 3, lines 1 through 4; beginning on page 3, line 20 through page 6, line 12; beginning on page 8, line 4 through page 10, line 7; beginning on page 13, lines 6 through 23; beginning on page 17,

line 3 through page 23, line 21; beginning on page 25, lines 1 through 14; beginning on page 25, lines 16 through 20; beginning on page 26, lines 7 through 14; beginning on page 26, line 19 through page 33, line 14; beginning on page 33, line 16 through page 34, line 6; beginning on page 34, line 15 through page 36, line 11; beginning on page 39, lines 4 through 18; beginning with the word "to" on page 7, line 19 through page 7, line 20; beginning with the word *"Provided"* on page 24, line 13 through page 24, line 16; and all points of order against the following provisions in said bill for failure to comply with the provisions of clause 6, rule XXI are hereby waived: beginning on page 6, lines 6 through 12: *Provided,* That in any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph.

The SPEAKER pro tempore (Mr. FARY). The gentleman from New York (Mr. ZEFERETTI) is recognized for 1 hour.

Mr. ZEFERETTI. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Arizona (Mr. RHODES), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 188 waives clauses 2 and 6 of rule XXI against certain provisions of H.R. 4169, Departments of Commerce, Justice, and State, the judiciary, and related agencies appropriation bill for fiscal year 1982. These provisions are specified within the resolution.

Clause 2 of rule XXI prohibits unauthorized appropriations and legislation in an appropriation bill. H.R. 4169 includes various programs which have not yet completed the authorization process and without this waiver would be subject to a point of order.

Clause 6 of rule XXI prohibits reappropriations in an appropriations bill. This waiver is required due to one item in title I permitting administrative costs for the coastal energy impact fund to be derived from unobligated funds in the expired account for environmental grants.

As in House Resolution 171, HUD appropriations, House Resolution 188 includes a provision that insures in any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph.

Mr. Speaker, H.R. 4169 contains fiscal year 1982 appropriations of $8,754,633,000. This amount is $6,469,000 below the administration's request and $868,246,000 less than appropriated in fiscal year 1981.

I believe the committee showed wisdom and foresight in continuing prudent funding for the Economic Development Administration and the juvenile justice program and commend them for their decision. Both programs have proved their effectiveness and deserve continuation.

Mr. Speaker, this is a very straightforward and noncontroversial rule and I urge my colleagues to support its adoption.

□ 1820

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

Mr. Speaker, House Resolution 188 waives certain points of order against H.R. 4169, the fiscal year 1982 appropriations bill for the Departments of Commerce, Justice, State, the judiciary, and related agencies.

As H.R. 4169 includes appropriations for a number of programs for which legislation has not yet been enacted, House Resolution 188 waives all points of order against 13 provisions in the bill for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations and legislation on general appropriation bills.

The resolution also waives clause 6 of rule XXI against one provision in the bill. This waiver will permit reappropriation of funds from an expired account to the coastal energy impact fund.

Further, in any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this rule. The rule contains waivers of points of order for violation of clause 2 of rule XXI in 13 separate instances. In examining H.R. 4169, practically the entire bill is waived as a result of the Rules Committee action. This is a derogation of the authorization process of the Congress.

Included in the items that points of order are waived on are economic and statistical analysis in the Department of Commerce; the International Trade Administration; the Minority Business Development Agency; the National Oceanic and Atmospheric Administration; Coastal Zone Management; Coastal Energy Impact Fund; part of the appropriation for the Patent and Trademark Office; the National Telecommunications and Information Administration; the Maritime Administration; the International Trade Commission; the Marine Mammal Commission; the Office of the United States Trade Representative.

Most of the activities of the Department of Justice, including general administration; the U.S. Parole Commission, the legal activities of the Department of Justice; the Antitrust Division of the Department of Justice; the Foreign Claims Settlement Commission; U.S. attorneys and marshals; support of U.S. prisoners; the Community Relations Service; the Federal Bureau of Investigation; the Immigration and Naturalization Service; the Drug Enforcement Administration; the Federal Prison System; the National Institute of Corrections; the Federal Prison Industries, Inc.; the Commission on Civil Rights; the Legal Services Corporation.

There are various activities of the Department of State, including the administration of foreign affairs; the representation allowances; special foreign currency program; the Diplomatic and Consular Service; the American Institute in Taiwan; International Organizations and Conferences; contributions for international peacekeeping activities; international commissions, including the International Boundary and Water Commission between the United States and Mexico: International Fisheries Commissions; the U.S. bilateral science and technology agreements; the Asia Foundation; the Arms Control and Disarmament Agency; the Board of International Broadcasting; the International Communications Agency; special foreign currency programs; Center for Cultural and Technical Interchange between East and West; the acquisition and construction of radio facilities; salaries of supporting personnel to the U.S. court, and that is all.

Now, it seems to me that if the authorization process is to mean anything, we should not pass a rule that waives points of order so extensively as this rule does. I belive that this rule should be defeated so that the agencies that are unauthorized be placed on a continuing resolution as a way of prodding this Congress to do the authorizing that it should be doing.

Once the authorization legislation is passed, then the agencies can be funded through supplemental appropriations that the Congress considers from time to time. By passing an appropriations bill with the extensive waivers that this rule does provide, it simply will take the heat off the Congress to pass the authorization for the myriad agencies and activities that this Congress has failed to do.

For that reason, I urge the defeat of this rule.

Mr. RHODES. Mr. Speaker, I now yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman very much for yielding. I should like to build for a moment, if I could, on the point that the gentleman from Wisconsin has just made with regard to this rule.

The problem, as I have stated on previous rules, is that in waiving a lot of these points of order, what we are also doing is laying in place appropriations which carry us into the years

that follow at spending levels far in excess of that which we have committed ourselves to in the long-term budgets we have put in place, and many of these waivers are put in there in such a way as to assure that we will make those kinds of spending commitments. We are told by the Appropriations Committee that we are going to come back and appropriate next year and take care of that, but yet we are seeing more and more rules come with more and more waivers that causes this problem.

I think the House should begin to consider what it is we are doing in appropriation bills when time after time we are asked to accept rules which waive points of order on large sections of the bill. Virtually half this bill, if not more than half this bill, is waived, which means legislation included in it in terms of appropriations bills.

Also, matters that concern lack of authorization are virtually waived. I think that is a major concern for this House, and one that we ought to be more cognizant of as we continue this business of putting in place rules which are tied to appropriations bills.

I thank the gentleman for yielding.

Mr. ZEFERETTI. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman. I want to point out that 60 percent of the dollar volume of these agencies have not been reauthorized. What is more, they are not going to be reauthorized by October 1. They are going to be closed down if we do not have this bill. We might just as well not have a bill if we are not going to waive points of order on items that have not been reauthorized. They ought to have been reauthorized last September, but they have not been yet.

Nothing in this bill exceeds the reconciliation package as it passed the House. Without this bill, the continuing resolution may very well continue some of these agencies in excess of what they were in the reconciliation packages, including Legal Services.

□ 1830

Under a continuing resolution it may very well be continued at $321 million instead of the $241 million that is in this package.

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

Mr. SMITH of Iowa. I yield to the gentleman from Wisconsin.

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

I recall that the reconciliation package on Legal Services left this House with a zero amount for the Legal Services Corporation. The other body's reconciliation package had $100 million for the Legal Services Corporation.

The Senate acceded to the House, and the reconciliation conference report will have zero dollars for the Legal Services Corporation, and yet this appropriation bill contains $241 million.

Mr. SMITH of Iowa. Mr. Speaker, the fact of the matter is the reconciliation package that passed the House did not have anything in it for the Legal Services Corporation, but because it was silent, that does not mean it had zero funding levels, and we are not in excess of anything as it left the House.

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

Mr. SMITH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, if it is the gentleman's understanding with regard to the appropriations that the appropriations do not exceed the reconciliation package with regard to the 1982 fiscal year, can he give the House the same assurances with regard to the outyears?

Mr. SMITH of Iowa. Mr. Speaker, we are only appropriating for 1982. I do not know what it will be in 1983 or 1984. We do not have a 1983 or 1984 appropriation bill. This is only the 1982 appropriations.

Mr. WALKER. Mr. Speaker, I thank the gentleman for that statement, because the Office of Management and Budget has repeatedly said that one of the problems with the appropriation bills is that they are making commitments toward the outyears which we are going to have to fulfill and which are going to be major problems in terms of the budget we have committed ourselves to.

Mr. SMITH of Iowa. Well, this is just the 1982 appropriations.

Mr. RHODES. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I think my colleagues, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. WALKER), have raised important questions, and I think we are going to have to look at our whole authorization and appropriation process as we work our way through this new budget process, with the major reconciliation package coming following the first budget resolution.

But I do not think that the solution which they propose in the interim—that we simply not take up appropriation bills indefinitely—is any answer.

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

Mr. GREEN. I would like to finish my statement first, and then I shall be happy to yield.

Mr. Speaker, in our work in the Appropriations Committee, if we want to hit the October 1 deadline to try to get the appropriations in place by the start of the fiscal year, if we are going to complete our work by October 1, as we are charged by the Congress with doing, then we have to proceed as we have been proceeding. As the gentleman should know, under the Budget Act we have our control, too, under section 302. Under the Budget Act we are assigned by the Budget Committee a lump sum of funds to be appropriated by the Appropriations Committee. Under section 302 we in the Appropriations Committee allocate that among our subcommittees, and our subcommittees have been scrupulous in staying within those section 302 limits.

So I do not think there can be any criticism of the way the Appropriations Committee has exercised its responsibility under the budget resolution. We are simply trying to do that with which we are charged, and for the life of me I cannot see how anyone can suggest that we can govern better by proceeding under continuing resolutions, which are in essence going to need similar exceptions to authorizing legislation. It seems to me far more orderly to pass the appropriation bills so long as we are staying within our section 302 allocations under the Budget Act.

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

Mr. GREEN. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I believe my colleague, the gentleman from Pennsylvania (Mr. WALKER), and I were suggesting that this appropriation bill be brought before the House without all the waivers of points of order that the Rules Committee has granted so that the Congress may work its will in the authorization process and so that we can build in effective reauthorizations of some of these unauthorized programs.

Mr. GREEN. Mr. Speaker, if I may reclaim my time, I would simply point out that the effect of what the gentleman wants, particularly in view of the tradition that the Senate acts on appropriations measures only after the House, is that invariably very few appropriation bills, if any, are going to be enacted by October 1. I do not think that is a sound way to proceed.

I think the gentleman is absolutely correct that we ought to be reviewing our entire budget procedure in view of our experience this year, because obviously we in the Appropriations Committee are not happy in a situation where we have to proceed without the authorizing legislation. But, nonetheless, I simply suggest to the gentleman that given the rules under which we now act, it is less disruptive to the Government of the United States for us to be proceeding in tandem with the authorizing process, fully living up to our obligations under the Budget Act and fully living up to our limitations under section 302 in each sub-

committee. We are not violating the Budget Act; we are living up to it.

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

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

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

All we are saying is that the rules of the House were put in place for a purpose, and that was to assure that authorizations and appropriations flowed in a certain way. What we are doing here is we are coming in here with rules waiving the rules of the House.

Why is it that we cannot come in with a rule which does not permit those waivers and then allow the Members of the House to work their will? If they decide to raise a point of order against something which deserves a point of order to be raised against it, fine; then we can go ahead.

Mr. GREEN. Mr. Speaker, if I may reclaim my time, I think the answer is very simple. We have a process in here that was not contemplated at the time that rule was written, and that is the reconciliation process.

All of the authorizing committees have been very busy. They have not been delinquent. All of the authorizing committees have been very busy on the reconciliation bill and in the reconciliation conference. Meanwhile, if we are to have most of these bills in place by October 1, then we simply have to move in tandem, and we live by our guidelines under the Budget Act, just as the authorizing committees work their assignments from the Budget Committee and the first budget resolution.

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

Mr. GREEN. I am happy to yield to the distinguished ranking minority member of the Appropriations Committee.

Mr. CONTE. Mr. Speaker, the gentleman from New York (Mr. GREEN) is absolutely correct. This is not something new. This has been going on for years.

What happens is that the Appropriations Committee—the "salt mine" committee of the Congress—starts in January. We get the budget, and we work 5 days a week and we get our bills out.

If we were to wait until all the authorization bills were completed, we would never get anything done. It would be very nice if we were living in a little classroom somewhere in college where we could put all of this on the blackboard, but we cannot put all of it on the blackboard and we cannot wait, because come October 1, the beginning of the fiscal year, it is all over with.

This is not the fault of the Appropriations Committee. The gentleman is going to get his chance to work his will. He keeps using that word. If the gentleman does not like anything in here that is not authorized and wants to raise a point of order, he can put an amendment in. The gentleman from Pennsylvania (Mr. WALKER) has more amendments than Carter has liver pills. He can offer amendments to the appropriation bills, and we will consider them.

Mr. ZEFERETTI. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FARY). The question is on the resolution.

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

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 133, not voting 39, as follows:

[Roll No. 186]

YEAS—262

Addabbo	Coughlin	Gephardt
Akaka	Coyne, James	Gibbons
Albosta	Coyne, William	Gilman
Alexander	D'Amours	Gingrich
Anderson	Daniel, Dan	Ginn
Andrews	Danielson	Glickman
Annunzio	Daschle	Gonzalez
Applegate	de la Garza	Gore
Aspin	Deckard	Green
Atkinson	Dellums	Guarini
AuCoin	Derrick	Hall (OH)
Badham	Dicks	Hall, Ralph
Bafalis	Dingell	Hamilton
Bailey (PA)	Dixon	Hance
Barnard	Dorgan	Hatcher
Barnes	Dougherty	Hawkins
Bedell	Dowdy	Heckler
Beilenson	Downey	Hefner
Benedict	Duncan	Heftel
Benjamin	Dunn	Hertel
Bennett	Dwyer	Hightower
Bevill	Dymally	Holland
Biaggi	Dyson	Hollenbeck
Bingham	Early	Howard
Blanchard	Eckart	Hoyer
Boggs	Edwards (AL)	Hubbard
Boland	Edwards (CA)	Huckaby
Boner	Emery	Hunter
Bonior	English	Hutto
Bonker	Erdahl	Hyde
Bouquard	Erlenborn	Ireland
Bowen	Ertel	Jones (TN)
Breaux	Evans (IN)	Kastenmeier
Brinkley	Fary	Kazen
Brodhead	Fazio	Kildee
Brooks	Fenwick	Kindness
Brown (CA)	Ferraro	Kogovsek
Brown (OH)	Findley	LaFalce
Broyhill	Fish	Lantos
Burton, John	Fithian	Latta
Burton, Phillip	Flippo	Leach
Butler	Foglietta	Lehman
Byron	Foley	Leland
Campbell	Ford (TN)	Long (LA)
Carman	Forsythe	Long (MD)
Chappell	Frank	Lowry (WA)
Coelho	Frenzel	Lujan
Coleman	Frost	Luken
Collins (IL)	Fuqua	Lundine
Conable	Garcia	Markey
Conte	Gaydos	Marlenee
Corcoran	Gejdenson	Matsui
Mattox	Pickle	Stokes
Mavroules	Price	Stratton
Mazzoli	Pritchard	Studds
McClory	Rahall	Swift
McHugh	Railsback	Synar
Mica	Ratchford	Tauzin
Mikulski	Regula	Taylor
Miller (CA)	Reuss	Traxler
Miller (OH)	Rhodes	Udall
Mineta	Rinaldo	Vander Jagt
Mitchell (NY)	Robinson	Vento
Moakley	Rodino	Walgren
Mollohan	Roe	Wampler
Moore	Rose	Washington
Morrison	Rosenthal	Watkins
Murphy	Roybal	Weber (OH)
Myers	Rudd	Weiss
Natcher	Russo	White
Neal	Sabo	Whitehurst
Nelson	Santini	Whitley
Nichols	Sawyer	Whitten
Nowak	Scheuer	Williams (MT)
O'Brien	Schumer	Williams (OH)
Oakar	Seiberling	Wilson
Oberstar	Shamansky	Wirth
Obey	Shannon	Wolpe
Ottinger	Shelby	Wright
Panetta	Skeen	Wyden
Pashayan	Skelton	Yates
Patman	Smith (IA)	Yatron
Patterson	Smith (NE)	Young (AK)
Pease	Smith (NJ)	Young (MO)
Pepper	Smith (PA)	Zablocki
Perkins	Solarz	Zeferetti
Petri	St Germain	
Peyser	Stark	

NAYS—133

Anthony	Hall, Sam	Nelligan
Archer	Hammerschmidt	Oxley
Ashbrook	Hansen (ID)	Parris
Bailey (MO)	Hansen (UT)	Paul
Beard	Hartnett	Porter
Bereuter	Hendon	Pursell
Bethune	Hiler	Ritter
Bliley	Hillis	Roberts (KS)
Brown (CO)	Holt	Roberts (SD)
Burgener	Hopkins	Roemer
Carney	Hughes	Rogers
Chappie	Jacobs	Roth
Cheney	Jeffries	Roukema
Clinger	Jenkins	Rousselot
Coats	Johnston	Schroeder
Collins (TX)	Jones (OK)	Schulze
Courter	Kramer	Sensenbrenner
Craig	Lagomarsino	Shaw
Crane, Daniel	Leath	Shumway
Crane, Philip	LeBoutillier	Shuster
Daniel, R. W.	Lee	Siljander
Dannemeyer	Lent	Smith (AL)
Daub	Levitas	Smith (OR)
Derwinski	Lewis	Snowe
Dickinson	Livingston	Snyder
Donnelly	Loeffler	Solomon
Dornan	Lott	Spence
Dreier	Lowery (CA)	Stangeland
Edgar	Lungren	Staton
Edwards (OK)	Madigan	Stenholm
Emerson	Marriott	Stump
Evans (DE)	Martin (IL)	Tauke
Evans (GA)	Martin (NC)	Thomas
Evans (IA)	Martin (NY)	Trible
Fiedler	McCloskey	Walker
Fields	McCollum	Weaver
Fountain	McDonald	Weber (MN)
Goldwater	McEwen	Whittaker
Goodling	McGrath	Winn
Gradison	Michel	Wolf
Gramm	Molinari	Wortley
Gregg	Montgomery	Wylie
Grisham	Moorhead	Young (FL)
Gunderson	Mottl	
Hagedorn	Napier	

NOT VOTING—39

Bolling	Fascell	Marks
Broomfield	Florio	McCurdy
Chisholm	Ford (MI)	McDade
Clausen	Fowler	McKinney
Clay	Gray	Minish
Conyers	Harkin	Mitchell (MD)
Cotter	Horton	Moffett
Crockett	Jeffords	Murtha
Davis	Jones (NC)	Quillen
DeNardis	Kemp	Rangel

Richmond	Schneider	Stanton
Rostenkowski	Sharp	Volkmer
Savage	Simon	Waxman

□ 1850

The Clerk announced the following pairs:

Mr. Richmond with Mr. Broomfield.
Mr. Simon with Mr. Horton.
Mr. Rangel with Mr. Quillen.
Mr. Florio with Mr. Clausen.
Mr. Crockett with Mr. DeNardis.
Mrs. Chisholm with Mr. Davis.
Mr. Jones of North Carolina with Mr. Kemp.
Mr. Conyers with Mr. Jeffords.
Mr. Ford of Michigan with Mr. McDade.
Mr. Fowler with Mr. McKinney.
Mr. Mitchell of Maryland with Mrs. Schneider.
Mr. Rostenkowski with Mr. Sharp.
Mr. McCurdy with Mr. Clay.
Mr. Minish with Mr. Fascell.
Mr. Gray with Mr. Moffett.
Mr. Volkmer with Mr. Waxman.
Mr. Harkin with Mr. Savage.

Messrs. MADIGAN, SNYDER, LAGOMARSINO, SHUMWAY, MONTGOMERY, and ANTHONY changed their votes from "yea" to "nay."

Mr. PASHAYAN and Mr. ROE changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to consider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON NATURAL RESOURCES, AGRICULTURE RESEARCH, AND ENVIRONMENT OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Natural Resources, Agriculture Research, and Environment of the Committee on Science and Technology be permitted to sit during the 5-minute rule tomorrow, Friday, July 31, 1981.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman tell us, is this for testimony only or what? Is the gentleman's committee marking up a bill?

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

Mr. ROUSSELOT. I yield to the gentleman.

Mr. SCHEUER. We will not be considering legislation. We are taking testimony.

Mr. ROUSSELOT. Taking testimony only?

Mr. SCHEUER. Exactly.

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

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

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4209, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION, 1982

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 187 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 187

Resolved, That during the consideration of the bill (H.R. 4209) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1982, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived: beginning on page 3, line 4 through page 4, line 7; beginning on page 4, line 14 through page 5, line 3; beginning on page 6, line 5 through page 7, line 8; beginning on page 7, line 21 through page 9, line 15; beginning on page 14, lines 13 through 24; beginning on page 16, line 1 through page 17, line 2; beginning on page 17, line 22 through page 18, line 18; beginning on page 21, line 1 through page 22, line 14; beginning on page 24, lines 6 through 17; beginning on page 25, lines 9 through 18; beginning on page 27, line 1 through page 29, line 9; beginning on page 33, line 4 through page 35, line 4; and all points of order against the following provisions in said bill for failure to comply with the provisions of clause 6 of rule XXI are hereby waived: beginning on page 6, line 5 through page 7, line 8; and beginning on page 21, lines 1 through 16. During the consideration of said bill under the five-minute rule, title I shall be considered as read and open to amendment at any point.

The SPEAKER pro tempore. The gentleman from California (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

Mr. BEILENSON. Mr. Speaker, House Resolution 187 waives points of order against certain provisions of H.R. 4209, the Department of Transportation and Related Agencies Appropriation Act of 1981. The rule does not provide for the bill's consideration since general appropriations measures are privileged. Also, the time devoted to general debate will be determined by unanimous consent and the bill itself will be open to amendment.

The rule waives points of order against certain sections of the bill under clause 2 of rule XXI—prohibiting unauthorized appropriations and legislation in an appropriations bill—and clause 6, rule XXI—prohibiting reappropriation. The precise sections for which waivers are recommended are fully stated in the rule. The waivers of clause 2 are necessary largely because authorizing legislation for the programs involved has not yet been enacted into law. For most if not all of the programs needing waivers, however, such authorizing legislation is under active consideration at some stage of the legislative process. In addition, the rule waives clause 2 against several provisions constituting legislation in an appropriations bill.

Clause 6 waivers are necessary because in appropriating for two programs, FAA operations and urban discretionary grants, the bill transfers unexpended funds from another account.

Finally, the rule provides that the lengthy first title of the bill be considered as read and open to amendment at any point.

Mr. Speaker, H.R. 4209 contains essential appropriations for Department of Transportation programs in airport and airway development, urban and rural mass transit, Amtrak, and interstate highway development. It will fund several independent agencies and commissions, and continue the Architectural and Transportation Barriers Compliance Board. This bill is below both administration and congressional spending targets.

I urge my colleagues to begin consideration of this important legislation by adopting the rule.

□ 1900

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

Mr. BEILENSON. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Speaker, the gentleman, in his statement, stated that the waivers in the rule also pertain to the rule that prohibits legislating in an appropriations bill. I wonder if the gentleman is able to identify those provisions which will be legislation in the appropriations bill that otherwise would be out of order?

Mr. BEILENSON. The gentleman can and will be happy to identify those provisions. It will take 4 or 5 minutes, if the gentleman would like to hear them.

Mr. LEVITAS. If the gentleman could furnish me a copy of them, that would be all right.

Mr. BEILENSON. I would be happy to furnish the gentleman from Georgia (Mr. LEVITAS) a copy.

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

Mr. Speaker, House Resolution 187 is a rule allowing timely consideration of H.R. 4209, the Transportation and related agencies appropriations bill for fiscal 1982. The resolution waives points of order that would otherwise lie against specified provisions of the

bill for failure to comply with clause 2 or clause 6 of rule XXI.

Clause 2 of rule XXI prohibits appropriations for any expenditure not previously authorized by law and it also prohibits legislation in an appropriation bill. The waiver provided by the rule is necessary because 21 paragraphs of H.R. 4209 have either not yet been authorized or do constitute legislation. In addition, two paragraphs do constitute a reappropriation, which is prohibited by clause 6 of rule XXI.

The 21 paragraphs are specified in the resolution, and at the appropriate time I will ask unanimous consent to place in the RECORD a brief summary of the provisions of the bill for which waivers of points of order are provided for in this resolution.

In addition to the waivers, which the Committee on Rules granted at the request of the Committee on Appropriations, the rule provides that title I of H.R. 4209 shall be considered as read and open to amendment at any point during consideration of the bill under the 5-minute rule.

Mr. Speaker, we once again find ourselves taking up an appropriation bill for which the necessary authorization bills have not been passed. In this case, there are some eight various authorization bills which have either yet to come to the floor or have yet to be enacted into law. We were told in the Committee on Rules that over 80 percent of the appropriations contained in H.R. 4209 have not yet been authorized.

As to the bill itself, H.R. 4209 appropriates $11.1 billion for the Department of Transportation and eight related agencies and commissions for fiscal 1982.

The amount provided in the bill is almost $2 million under the President's requested budget for these agencies, and the Appropriations Committee report notes that the bill is $567.8 million under the new budget authority target set forth in the first concurrent resolution on the budget.

Mr. Speaker, I do want to take a moment to say that the Committee on Rules received no testimony in opposition to our granting of the rule as requested by the Committee on Appropriations.

The waivers were supported by the ranking member of the Subcommittee on Transportation Appropriations, the gentleman from Pennsylvania (Mr. COUGHLIN). As far as I know, we did not receive any communication from any of the authorization committees relative to our granting of the requested waivers.

Without this resolution, it was pointed out in the Rules Committee meeting, it would make little sense to bring this bill to the floor.

Given the growth of general aviation and need to maintain the highest degree of safety or our airway system, I have severe reservations about the level of service that will be provided to airmen and the traveling public. The chairman of the Subcommittee on Transportation Appropriations assured the Rules Committee that he would continue to reassess the need for service in our smaller communites.

Mr. Speaker, I mention this only to make the point that those of us who have questions about the provisions of the Transportation Appropriations bill, or who would like to offer germane amendments to the bill should support this resolution so that House can proceed to consider the bill.

I include at this point in the RECORD a brief summary of the provisions of H.R. 4209 for which the waivers contained in the rule apply:

PROVISIONS OF H.R. 4209 FOR WHICH WAIVERS OF POINTS OF ORDER ARE PROVIDED FOR IN HOUSE RESOLUTION 187

In Title I, Department of Transportation:

Some or all of the appropriations under the paragraphs for operating expenses; acquisition, construction and improvements; alteration of bridges; reserve training; and research, development, test and evaluation of the Coast Guard are not authorized. Authorization for these items is contained in H.R. 2559, which was reported by the Committee on Merchant Marine and Fisheries on May 19, 1981.

Some or all of the appropriations under the paragraphs for operations; facilities and equipment (Airport and Airway Trust Fund); and grants-in-aid for airports (liquidation of contract authorization) are not authorized. Authorization for these programs is contained in H.R. 2643, which was reported from the Committee on Science and Technology on April 27, 1981, and from the Committee on Public Works and Transportation on May 9, 1981.

Part of the appropriation for operations and research for the National Highway Traffic Safety Administration requires authorization.

The appropriation for rail service assistance, Federal Railroad Administration may technically be subject to a point of order, since it includes language disapproving a proposed deferral.

The appropriation for grants to the National Railroad Passenger Corporation is not authorized. The authorization is contained in H.R. 3568, which was reported by the Committee on Energy and Commerce on May 19, 1981. It is also contained in the Omnibus Budget Reconciliation Act of 1981, H.R. 3982, which passed the House on June 26, 1981.

The appropriations for urban discretionary grants, non-urban formula grants and urban formula grants of the Urban Mass Transportation Administration may technically be subject to a point of order.

Parts of the appropriation for research and special programs, of the Research and Special Programs Administration is not authorized. The authorizations for this item are contained in H.R. 3403 and H.R. 3420. Both of these authorization bills were reported by the Committee on Energy and Commerce and the Committee on Public Works and Transportation on May 19, 1981. H.R. 3420 passed the House on June 1, 1981.

In Title II, Related Agencies:

The appropriation for salaries and expenses of the National Transportation Safety Board is not authorized. The required authorization is contained in H.R. 3404, which was reported by the Committee on Public Works and the Committee on Energy on May 19, 1981.

The appropriations for operating expenses and capital outlay for the Panama Canal Commission are not authorized. Authorization for these items is contained in H.R. 2596, which was reported by the Committee on Merchant Marine and Fisheries on May 19, 1981.

The appropriation for administrative expenses of the United States Railway Association is not authorized. The required authorization is included in H.R. 3559, which was reported by the Committee on Energy and Commerce on June 18, 1981. This authorization is also included in the Omnibus Budget Reconciliation Act of 1981, H.R. 3982, which passed the House on June 26, 1981.

In Title III, General Provisions:

The limitation on obligations for Federal-aid highways contained in section 310 of H.R. 4209 may technically be subject to a point of order, since it contains a formula for distributing the funds under the limitation. This language is virtually identical to the language contained in H.R. 3982, the Omnibus Budget Reconciliation Act of 1981.

In addition, the bill contains two paragraphs that do constitute a reappropriation as follows: In Title I, operations of the Federal Aviation Administration (Airport and Airway Trust Fund); and urban discretionary grants of the Urban Mass Transportation Administration.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I might say at the outset that the gentleman from Pennsylvania has some objections to this particular rule, but it is not my intention to ask for a vote on the rule, and I cannot speak for anyone else, but I do not intend to ask for a vote.

The point that I want to make about the rule is the same one that I made about several rules as they have come to the floor; that is, that we are providing waivers for 60 and 70 percent of the spending that is in these bills. We are doing so because they have not been properly authorized by the committee. I understand the reason why the Rules Committee is going through the process.

The gentleman from Missouri (Mr. TAYLOR) has offered a very good explanation for it. It still leaves us in the bind, though, that we are continuing to appropriate in the House without proper authorizations, and that is what is being waived.

We had an explanation in the debate just previous to this on the rules that this does not really matter because we all have the ability to amend the bills that come before us, the appropriations bills. I will say to the Members that is a very interesting argument because everybody who has ever offered an amendment to an appropriations bill knows that our amendments are

subject to points of order. Therefore, we have a problem each time we come and try to do something substantive in an appropriations bill. We are subject to the point of order. It is exactly those points of order that are being waived in these rules as time after time we approach the rules on the floor.

I would hope that we would again take a look at this rule and realize that on so many of the points, on nearly 60 percent of the spending that is in this bill, it has virtually waived points of order. The House does not have an opportunity to work its will.

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

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

Mr. COUGHLIN. Mr. Speaker, it causes me great distress, obviously, to disagree with my very distinguished friend—and he is my friend—the gentleman from Pennsylvania (Mr. WALKER). It distresses me, too, to have to ask for waivers of all of these provisions that are unauthorized in this Transportation appropriations bill. But the fact is, if we are going to have any orderly process of Government, if we are going to try and proceed with funding the various agencies that we have in the Federal Government, we are really left with no alternative but to go to the Rules Committee and ask for this kind of a rule.

I do not like that either. But if we are going to proceed, if we are going to meet our September 15 deadlines, if we are going to have appropriations bills and not have agencies operating under continuing resolutions all the time, we really have to follow this process. It is a difficult process.

Mr. WALKER. I thank the gentleman for his statement. I think some of what I am doing is being interpreted as criticism of the Rules Committee or criticism of the Appropriations Committee. Basically, what I think I am criticizing is the procedures we are operating under around here.

I do want to make the point that it is not my intention to in any way criticize the Appropriations Committee or the Rules Committee. What I am basically criticizing is the fact that we are not able to even operate under our own procedures around here.

□ 1910

Those procedures were put in place for a purpose. That particular purpose was to assure the orderly consideration of the substance of bills and the substance of issues. When we go astray from that, we tend not to consider the substance of many of these programs, and I think that is wrong. It is not meant as a criticism of the committees involved. It is meant as a criticism of the process. Maybe the process needs to be looked at.

Mr. COUGHLIN. I appreciate the gentleman's intentions.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ROBERT MOSES: MAN OF VISION AND IDEAS, 1888–1981

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

Mr. ADDABBO. Mr. Speaker, it is indeed with great sadness that I rise today to pay tribute to Robert Moses, a man who will long be remembered as one of the State of New York's exceptional public servants, who passed away in New York yesterday at the age of 92. In honor of his life, I would like to take this opportunity to call to the attention of my colleagues in the House the work of Robert Moses, an individual whose impact on the shape and scope of the State of New York, particularly New York City, will never be equaled.

Picture if you will, the city of New York without Lincoln Center, Jones Beach State Park, the United Nations, Shea Stadium, the 1964–65 World's Fair Grounds, and the New York Coliseum. Try to imagine flying into New York City this afternoon and being informed that there is no Verrazano Narrows Bridge connecting Brooklyn and Staten Island, no Queens Midtown Tunnel into Manhattan, no Bronx Whitestone Bridge, no Long Island, Cross Bronx, or Major Deegan Expressways. Where would a "I Love New York" commercial be without one of those glorious State parks in the background?

The massive and remarkable projects I have just listed are only the tip of the iceberg as far as the contributions of Robert Moses were to New York State in his 50-year career. A man of vision, energy, and strength, reflected in his projects, Robert Moses' accomplishments include the development of 75 State parks, the building of 11 bridges, 35 major roads totaling 481 miles of highways, and increasing the number of city playgrounds. He built powerplants and public housing developments, noted social philosopher and authority on city planning, Lewis Mumford, once saying of Robert Moses, "In the 20th century, the influence of Robert Moses on the cities of America was greater than that of any other person."

The mark of a great man is that long after he has left us he still remains a part of our lives. So it is with Robert Moses, his works and ideas will forever remain standing and strong, durable and timeless. To his family and friends who mourn his passing they surely must be conforted in the knowledge that his State and his people will long appreciate all that he did for them, and I offer them my prayers in their time of mourning.

● Mr. GREEN. Mr. Speaker, it was with sadness today that I learned of the death of Robert Moses at the age of 92. Probably no single person has changed the landscape of New York as much as Robert Moses. His imprint on New York City has also served to influence the shape of many other cities in the United States.

As Paul Goldberger, the architectural reporter for the New York Times, observed in this morning's edition.

Robert Moses was, in every sense of the word, New York's master builder. Neither an architect, a planner, a lawyer nor even, in the strictest sense, a politician, he changed the face of the State more than anyone who was.

Mr. Moses held many different appointed posts from 1924 until 1968 in the government of New York State. During this period he often commented that, "The important thing is to get things done." Hundreds of bridges, tunnels, roads, State parks, Lincoln Center, the New York Coliseum, Co-op City in the Bronx, Shea Stadium, and the 1964–65 New York World's Fair in Queens and the United Nations Building in my district remain monuments today to Robert Moses' unique ability to get things done.

I join my colleagues in the U.S. Congress in sending my condolences to this remarkable man's family.●

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Robert Moses.

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

There was no objection.

NATIONAL BLINDED VETERANS RECOGNITION DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 64) designating August 13, 1981, as "National Blinded Veterans Recognition Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object—and I will not object—I do so for the purpose of providing the chairman of the committee the opportunity to explain this resolution.

Mr. GARCIA. Mr. Speaker, if the gentleman will yield, there are many veterans who have served in our Armed Forces, who, because of disabilities incurred during that period of time, have suffered probably the severest of all disabilities, and that is blindness. These veterans, as far as we are concerned, are deserving of national recognition. I would hope that this joint resolution, which has been cosponsored by well over the necessary 218 Members, could be favorably acted upon.

Mr. MONTGOMERY. Further reserving the right to object, Mr. Speaker, I appreciate the gentleman giving that explanation.

Mr. Speaker, I am delighted this afternoon to have my bill. Senate Joint Resolution 64, designating August 13, 1981, as "National Blinded Veterans Day," before my colleagues for approval. I commend the gentleman from New York and the members of his committee for the fine work on this measure.

I was pleased to introduce this measure in behalf of our Nation's blinded veterans and to work closely with the Blinded Veterans Association for its success. That group has worked very hard to help secure the requisite number of cosponsors, and I applaud them for their hard work and perserverance. I also thank the 237 of my colleagues who have joined me in making this day possible.

I strongly feel this special recognition is in order for thousands of Americans who served their country well. It is estimated that there are over 50,000 blinded veterans in the United States and many of them lost their sight while in the service of their country. The price they have paid to preserve the security and freedoms that we hold so dear has been immense. Certainly, they are deserving of this national recognition.

Senate Joint Resolution 64 was carefully planned to coordinate the designation of the national day with the issuance of a commemorative stamped envelope with a braille overprint honoring blinded veterans. Additionally, the Blinded Veterans Association will hold its annual national convention here in Washington, D.C. during this time. On August 13 they plan a special service honoring America's war dead at Arlington National Cemetery. It is especially fitting that the Congress also honor our blinded veterans by declaring that day as National Blinded Veterans Day.

Thank you.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 64

Whereas there are thousands of Americans in the United States today who, as a result of service in the military forces of their country, incurred the catastrophic disability of blindness;

Whereas, despite the extreme severity of their disability, most of these veterans have received rehabilitation and have returned to and continue to lead useful and productive lives; and

Whereas the sacrifices and contributions that these veterans have made and the service rendered by the many veterans who later suffered blindness from nonservice related causes 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 August 13, 1981, is designated as "National Blinded Veterans Recognition Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups and organizations to set aside this day to honor the sacrifices and service of blinded veterans in an appropriate manner.

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

NATIONAL RECOGNITION DAY FOR NURSES

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 263) to designate May 6, 1982, as "National Recognition Day for Nurses", and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. WALKER. Mr. Speaker, reserving the right to object—and I shall not object—I do so in order to give the gentleman from New York (Mr. GARCIA) an opportunity to explain for the record the purpose of the joint resolution.

Mr. GARCIA. If the gentleman will yield, Mr. Speaker, nursing men and women have provided significant contributions to the health care of our Nation's citizens for more than 100 years, not only in hospitals, but in nursing homes, clinics, private-duty nurses, and many other places. Nursing is a highly technical, sophisticated, and exacting science.

I might add, Mr. Speaker, that House Joint Resolution 263 has been cosponsored by more than 218 Members of this House.

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

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 263

Whereas nursing women and men have provided significant contributions to the health care of our Nation's citizens of all ages, sex, and creeds for more than one hundred years;

Whereas nurses provide care in hospitals, nursing homes, extended care facilities, clinics, rehabilitation hospitals, physicians' offices, private duty nursing, and industrial nursing;

Whereas nurses' skills and knowledge provide disease and injury prevention, and aim toward restoration of health;

Whereas nurses strive to provide comfort, solace, and education to those entrusted to their care;

Whereas nursing is a highly technical, sophisticated, and exacting science: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate May 6, 1982, as "National Recognition Day for Nurses", and to call upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

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

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on Senate Joint Resolution 64 and House Joint Resolution 263 just passed.

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

There was no objection.

IMMIGRATION STATEMENT

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

Mr. GARCIA. Mr. Speaker, the President today released his proposal for a new immigration policy. I find some of his recommendations disturbing. Last week, I made a statement on the floor of the House concerning my views on proposals made by the Presidential task force on immigration. I also wrote a letter to Mr. Reagan explaining my position. The President

apparently has decided to accept the proposals made by the task force. I, again, must respectfully disagree with Mr. Reagan regarding certain aspects of his new policy.

The President has proposed a legalization program for undocumented aliens who were here before January 1980. But part of this legalization program prohibits newly legalized immigrants from bringing in their families. This proposal is unfair. It is unfair to ask these families to begin a new life without the support and comfort of their families. It is equally unfair to keep these people out of the mainstream of American life for a 10-year period. According to the President's program their resident status will be reviewed every 3 years for a 10 year period. This group of newly legalized immigrants is likely to become alienated from the American system if too many restrictions are placed on them.

An experimental guest worker program has also been proposed. I am afraid the administration may be establishing a whole new underclass with this proposal. It seems unfair to take these individual's labor without granting them the legal rights of a permanent resident.

These are just a couple of the difficulties I have with the President's new immigration policy. Of course, there are no clear answers to the problem. But that is no excuse to propose a policy that is not completely fair and which attempts to get political mileage at the expense of poor immigrants. After all, most Americans are descended from poor immigrants. That should be reason enough to give these new immigrants a fair deal.

□ 1920

GENERAL LEAVE

Mr. LELAND. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from Oklahoma (Mr. JONES).

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

There was no objection.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the special order tonight of the gentleman from California. (Mr. MCCLOSKEY).

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

There was no objection.

ROBERT MOSES

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

Mr. DOWNEY. Mr. Speaker, every American who has ever driven along the parkway approaches to New York or played in its parks or on its beaches, or crossed its bridges, or visited the World Fairgrounds at Flushing Meadow Park, has reason to be grateful to Robert Moses. A dedicated and powerful public servant, Robert Moses did more than any other individual to change the appearance of New York City. He devoted over 40 years to the great public works programs which shaped the nature and character of New York. With his bridges and his parkways he transformed the areas lying on the outskirts of New York City from country counties into functioning parts of the larger metropolis. He served as the city park commissioner and city construction coordinator under six New York State Governors and six New York City mayors. His colossal dreams and futuristic visions gave to the people of New York an enduring legacy of parks, beaches, bridges, and highways.

In his youth, a friend said of him, "He is burning up with ideas, just burning up with them." Robert Moses brought imagination, innovation, and strong will to each of his endeavors. In 1914 Moses proposed reform of the city employment system, basing job acquisition on merit rather than on patronage. He was also concerned with improving the quality of city life down to the slightest detail. Little conveniences, such as building shelters in Central Park so that mothers would not need to go all the way home to change their children's diapers, were consistent and distinguishing trademarks in any Moses plan.

And yet Robert Moses is best remembered for his monumental public projects. He built such major landmarks as Lincoln Center, the New York Coliseum, Shea Stadium, and the United Nations. Each of these projects has helped establish New York as one of the great cultural centers of the world.

In his continued commitment to the New York community, Robert Moses built 658 playgrounds and filled New York parks with zoos, skating rinks, boathouses, golf courses, and bridle paths. He built 673 baseball diamonds and 288 tennis courts. In this age of conservation, Moses should be recognized for being a step ahead of his time; he utilized all that New York had to offer. Moses hired trucks to cart the city's garbage to its marshes, then covered over the filled wasteland with earth and grass seed, thereby creating additional park lands. Barges carried literally tons of white sand from the ocean floor to fill the mudflats of New York City creating additional beaches.

Perhaps the two most significant accomplishments of Robert Moses were his expansion of the highway system and his proliferation of bridges connecting all the boroughs of New York. He built every major highway in the New York City area with the exception of the East River Drive. To name just a few: the Major Deegan Expressway, Van Wyck Expressway, the Long Island Expressway, the Brooklyn-Queens Expressway, the Cross-Bronx Expressway, Harlem River Drive, West Side Highway, Northern and Southern State Parkways, Hutchinson River Parkway, Grand Central Parkway, Saw Mill River Parkway, and Sagtikos Parkway. These roads, now crisscrossing the New York metropolis, increased commuter access to the boroughs and prompted the growth of the suburbs. This gave rise to the expansion of middle-class family life on Long Island.

The Bronx is the only borough of New York City that is physically part of the mainland of the Nation. Since 1931, Moses built seven bridges, interconnecting the different boroughs. Commuting daily from Babylon, Moses was acutely aware of the problems facing suburban travelers.

Robert Moses almost singlehandedly built Long Island. In addition to all the highways and bridges he built, he developed Long Island's beach front and parkland potential. He transformed Jones Beach from an undeveloped and desolate sandspit to an extensive recreational facility. Robert Moses had the foresight to develop what some consider the world's greatest ocean front resort area. Among his creations were Sunken Meadow Beach, Fire Island, Orient Point, Montauk, Belmont Lake State Park, Captree, and Heckscher State Park.

He was by far America's master builder. He paved the way for the development of public parks, beaches, and extensive highway systems which are currently the fabric of our Nation. In transforming a single city, and setting a nationwide example for public works, Robert Moses influenced the way an entire country lives and works. At this point I include the following:

NOTES ON ROBERT MOSES FROM THE INTRODUCTION OF "THE POWER BROKER" BY ROBERT CARO

(1) Yale graduate (Phi Beta Kappa).

(2) City Park Commissioner and City Construction Coordinator for NYC under Robert F. Wagner, Jr., Jan. 1, 1954 appointed. Held this position under previous mayors, back to LaGuardia.

Under Wagner not also on Planning Commission (conflict of interest; approves plans he would himself be submitting) until he threatened Wagner with his resignation (example of his power).

(3) "He possessed an iron will that put behind his solutions and dreams a determination to let nothing stand in their way."

(4) Dedicated to a life of public service—"vision of such breadth that he was soon dreaming dreams of public works on a scale that would dwarf any yet built in the cities of America." "burning with ideas . . . for great highways and parks circling the city's waterfront."

Increase the quality of life for city folks—shelters in Central Park—mothers can change kids' diapers without going home.

(5) Reforms—city jobs in NY based on merit, not patronage. 1914 administration of Mayor John Purroy Mitchel. Every aspect of city employees' performance became subject to numerical graded.

After Tammany crushed him in 1918, his idealism was gone. He came to realize that his ideas (dreams) were useless without power to transform them into reality. Brought to task imagination, iron will, and determination.

(6) Remade shoreline of NYC—developed the muck beneath the rivers. Built Major Deegan, Van Wyck, Sheridan, Bruckner, Gowanus, Prospect, Whitestone, Clearview, Throgs Neck, Cross Bronx, Brooklyn-Queens, Nassau, Staten Island, and Long Island Expressways. Also Harlem River drive and West Side Highway.

Only major road he did not build in NY is the East River Drive. He shaped NYC; with major roads for trucks and autos better accessibility to and from NYC. This helps determine where and how a city's people live and work.

(7) Bridges—only one borough of NYC (the Bronx) is on Mainland U.S., bridges link the island boroughs that form NYC. Since 1931, 7 bridges built—Triborough, Verrazano, Throgs Neck, Marine Parkway, Henry Hudson, Cross-Bay, and Bronx-Whitestone.

(8) Urban renewal—tall apartment houses; college lecture halls (Fordham, L.I. University); Lincoln Center; N.Y. Coliseum; Shea Stadium; Co-op City (the Bronx); cleared obstacles to enable NYC to house U.N. on East River.

Playgrounds—658 built; filled parks with zoos, skating rinks, boathouses tennis houses, golf courses, bridle paths; built 288 tennis courts and 673 baseball diamonds.

Trucks hauled the city's garbage to its marshes. When filled, covered over with earth and lawn (became parks).

Barges brought white sand dredged from the ocean floor, piled on mudflats to create beaches.

(9) Parkways—Mosholu, Hutchinson River, Saw Mill River, Sprain Brook, Cross County (Westchester); Grand Central Belt, Laurelton, Cross Island, Interborough, Northern State, Southern State, Wantaugh, Sagtikos, Sunken Meadow, and Meadowbrook Parkways.

Some of these run down to the South Shore of Long Island across the Great South Bay to Jones Beach ("barren, deserted, windswept sandpit when he first happened upon it in 1921."). "transformed into what may be the world's greatest ocean-front park and bathing beach."

(10) L.I. parkways led to parks and beaches—Sunken Meadow, Hither Hills, Montauk, Orient Point, Fire Island, Captree, Bethpage, Wildwood, Belmont Lake, Hempstead Lake, Valley Stream, and Hecksher.

(11) Dam along St. Lawrence River.

(12) 34 years (1934-1968) six governors and six mayors (City Commissioner).

(13) America's "most prolific physical creator . . . America's greatest builder."

In 1968 dollars, he built works costing $27 billion. "No other public official in the history of the U.S. built public works costing an amount even close to that figure."

More significant is when he built it. Put his mark on all the cities of America. In the 1920's 29 states did not have a single state park (six states had only one state park); parks outside of cities generally were limited in number and size (not his).

Before Robert Moses, the wealthy bought the choicest areas on L.I.—beaches and meadows. Hardly any public space left.

End of his leadership:

5,799,957 acres of state parks in U.S.

2,567,256 acres of state parks in NY State.

Forty-five percent of all state parks in the U.S. were in NY State

(14) Parks, highways and urban renewal—Moses was a formative force in all three fields in the U.S. Innovator.

ALL THINGS GREAT AND SMALL FROM "THE POWER BROKER" INTRODUCTION

CITING

At Yale he was a member of the swim team and wrote for Yale literary Mag. Served as Park Commissioner and City Construction Coordinator. Robert A. Caro wrote that Robert Moses "possessed an imagination that leaped unhesitantly at problems insoluble to other men."

In his youth a friend said of him, "He is burning up with ideas, just burning up with ideas."

In 1914 Moses devised a civil service system for the city of New York based on merit rather than patronage. He fought for three years for passage of his system only to be stopped cold by the corrupt powers that be. Caro describes this pre-WWI Moses as "the optimist of optimists, the reformer of reformers, the idealist of idealists."

Caro describes Moses as a powerful man with "imagination, iron will and determination."

"Robert Moses shaped a city and its sprawling suburbs—and to an extent that would have astonished analysts of urban trends had they measured the implications of his decades of handiwork, influenced the destiny of all the cities of twentieth century America."

"Robert Moses shaped New York"

He conceived and directed a program that land-filled over fifteen thousand acres—thus changing the very boundaries of the City of New York.

With the single exception of the East River Drive, Robert Moses, built every major road in the city which "determines how a city's people live and work."

The author cites by name 16 expressways that he built.

Only one borough of the City of New York is on the mainland. Since 1931 seven bridges were built crossing huge expanses (the author lists these bridges) Moses built every single one of these bridges.

The decisions of Robert Moses created Lincoln Center ("the world's most famous, costly and imposing cultural center"), the New York Coliseum, Shea Stadium. He was also the creative force in erecting the private housing developments of Stuyvesant Town and Peter Cooper Village.

"Moses cleared aside the obstacles to bringing New York the closest thing to a world capital the planet possesses, and he supervised its construction."

"When Robert Moses began building playgrounds in NYC there were 119. When he stopped there were 777." Under his direction, thousands of people during the depression built zoos, skating rinks, bridle paths, golf courses, 288 tennis courts and 673 baseball diamonds

"In N.Y.C., for 34 years, Robert Moses played a vital role in establishing the city's priorities."

There are 416 miles of parkways, closed to trucks, leading into the suburbs. "Robert Moses built every mile."

Including only those public works which he personally conceived and completed, from first vision to ribbon-cutting—Robert Moses "built public works projects costing, in 1968 dollars, twenty-seven billion." Needless to say no other single individual in American history comes at all close to that figure. "He was America's greatest builder."

RESTORATION OF MINIMUM BENEFIT

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

Mr. PICKLE. Mr. Speaker, today I have introduced legislation to restore the minimum benefit for current recipients. In floor discussions of this issue recently, I pledged that as chairman of the Subcommittee on Social Security I intended to press for this action. This legislation would restore the original Ways and Means Subcommittee unanimous position calling for an elimination of the minimum social security benefit on a prospective basis only, beginning next year. It would restore this benefit to some 3 million current recipients who currently stand to lose it next spring under action in the reconciliation bill.

No member of the Ways and Means Committee, Republican or Democrat, offered in committee the administration proposal to eliminate the minimum benefit for those currently receiving it. A provision similar to that of the administration was included, however, in the Gramm-Latta floor amendment to reconciliation and had also been passed by the Senate. This provision provided for a recalculation of benefits even for those who had been retired for some years—some 3 million current social security recipients in all.

I do not think that very few, if any Members of the House truly intended to reduce in this manner social security benefits of current recipients. The action is harsh and will cause great consternation. It will not help to restore confidence in the social security program, and it is not necessary for the solvency of the program as there are other avenues available to us. Because the matter was passed by both House and Senate, however, it could not be corrected in conference.

There has been much misinformation about the minimum benefit. Arguments have been made that it is an unearned benefit which largely goes to individuals who either will be picked

up by welfare or who have other resources available to them.

In fact, 76 percent of current minimum beneficiaries are workers—in other words, they have paid at least some taxes themselves for this benefit. It is true that they receive a greater amount than the benefit formula actually would provide, but they have paid some amount for this benefit.

In fact, we know very little about the outside resources of these individuals. A widely cited GAO report concerning the public pension and outside income of minimum beneficiaries really was a very small sample of newly entitled minimum beneficiaries and made no attempt to make any conclusions about the makeup of individuals already receiving the minimum. The GAO report recommends the prospective only elimination of this benefit, which is what the committee had done in its own action.

We do know that approximately 360,000 minimum beneficiaries have public pensions, but many of these pensions are expected to be quite small.

We do know that 200,000 are students, mostly survivors of deceased workers.

We do know that 78 percent are over age 65; 50 percent are over age 70; 500,000 are over age 80; and 80,000 are over age 90.

And, perhaps most importantly, we also know that there are 500,000 minimum beneficiaries currently eligible for welfare who have refused to apply for welfare benefits. We also know that the administration's own savings figures assume that no more than one-quarter of those who are now or would become eligible for welfare will apply for welfare benefits. If all those eligible did apply for welfare, the budget savings in the administration provision would be cut by up to one-half.

In short, a retrospective elimination of the minimum benefit asks individuals who possibly lived through the Great Depression without going "on the dole" to do so now at a very late stage in their lives. It assumes that individuals long retired and now 70, 80, and 90 years of age will somehow be able to find other resources to live on when their longstanding social security benefits are abruptly reduced.

I think that this is wrong and I intend to push for a correction of this action and to ask for cosponsors in this effort.

REPUBLICAN KEMP ANNOUNCES SUPPORT FOR VOTING RIGHTS AND THANKS HENRY HYDE FOR HIS LEADERSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

● Mr. KEMP. Mr. Speaker, in recent months we have seen a major debate in this House, and throughout the country, over whether or not the Voting Rights Act of 1965 should be extended. Today I would like to announce my support for renewal of this landmark civil rights legislation.

When Congress passed the Voting Rights Act in 1965, its avowed purpose was to end discriminatory election law practices, and insure that the fundamental right of every American citizen to vote for his or her political representatives was protected and preserved. In the 15 years that followed, during which the law was twice extended, we have seen black voter registration leap from 32 to 64 percent in Louisiana, 23 to 58 percent in Alabama, 7 to 67 percent in Mississippi. The number of black elected officials in the States covered by the act has multiplied by 1,162 percent in the last 12 years. This is why I voted for extension in 1975, and why I support it today.

While many people have chafed, understandably enough, at the requirement that voting changes be "precleared" with the Justice Department, the fact remains that only 2.3 percent of the nearly 35,000 proposed changes submitted over the years have met with an objection from the Justice Department. And in return we have reaped the enormous benefit of seeing more and more black Americans take a leading role in our political process.

I have come to this decision in favor of extending the Voting Rights Act after discussing the issue with civil rights leaders, attorneys, and leading members of my own community in Buffalo. I have also been very impressed by the experience of my good friend and colleague, Mr. HYDE. As ranking Republican member of the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights, he initially supported ending the preclearance provision of the Voting Rights Act. After hearing days of testimony from witnesses on both sides, he changes his mind and decided that the case for extending the law was compelling. Let me say that I respect both his knowledge and ability in this field, and also his great personal integrity. It is not easy to admit publicly to a change of mind.

Representative HYDE explained his reasons for supporting the Voting Rights Act in a powerful and moving editorial in last Sunday's Washington Post. I commend this article to the attention of all my colleagues.

The article follows:

[From the Washington Post, July 26, 1981]

WHY I CHANGED MY MIND ON THE VOTING RIGHTS ACT

(By Henry J. Hyde)

The 15th Amendment, ratified in 1870, provides that "The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude." As with so many sweeping promises, it wasn't until the Voting Rights Act was passed in 1965 that these voting guarantees began to have substantial impact. The act made illegal certain tests (literacy, property, good character, etc.) that were used to deny blacks access to the electoral process, but it went even further: it required that those areas that had utilized such tests or devices (primarily the Old Confederacy) now "pre-clear" any proposed changes in their election laws with the Department of Justice or, alternatively, secure approval for them from the U.S. District Court in the District of Columbia. This extreme measure of requiring Justice Department pre-clearance of election law changes was held constitutional by the Supreme Court in a subsequent test.

But since pre-clearance applies only to a few "selected" areas of the country, and because in 1970 and again in 1975 Congress chose to prolong its mandate by extending a virtual prohibition against escape from the act's coverage (or "bail-out") until Aug. 6, 1982, the question that now confronts Congress is this: shall we extend the mandatory pre-clearance for these "selected areas" another 10 years (as Rep. Peter Rodino's bill does), or is 17 years in the political penalty box enough?

As the ranking Republican member of the House Judiciary Committee's subcommittee on civil and constitutional rights, I came to this issue with the expressed conviction that, indeed, 17 years was enough, and that if voting rights abuses persisted in these areas, then resort to court action was a sufficient remedy under the act. It was my strong opinion that pre-clearance as an administrative process was an unwarranted intrusion on the federal system—a system that upholds state sovereignty and insists that states and local political subdivisions ought not to be treated as branch offices or agencies of the federal government in Washington.

Other questions troubled me as well—whether the ends of justice on such an important issue are truly served by bypassing the federal courts and resorting to the expeditious and even summary process of administrative pre-clearance. What about politics? Doesn't this power in the hands of employees of the Justice Department lend itself to politicization?

All of these considerations helped shape my initial hostility to another 10-year extension and my preference for substituting access to our federal court system as the proper corrective for voting rights abuses.

Then came the hearings. Witness after witness testified to continuing and pervasive denials of ready access to the electoral process for blacks. As I listened to testimony before the subcommittee, I was appalled by much of what I heard.

Witnesses in Montgomery, Ala., described an atmosphere that was painfully saturated with discrimination. Maggie Bozeman of Aliceville, Ala., complained that in many of the predominantly black counties of Alabama, there is no such thing as "secret" ballot: voters are forced to fill out their ballots on a table, in the presence of white pollwatchers. There are no booths, no curtains, no efforts to provide privacy. She also said that policemen take photographs of persons who attempt to assist illiterate black voters, and that this has a considerable chilling effect.

Sheriff Prince Arnold, of Wilcox County, Ala., testified that, in 1978, 72 federal observers were called in to monitor the elec-

tion, which he won. State troopers were also present. Arnold claimed both were necessary to ensure that black voters were able to proceed safety to the polls. Nevertheless, there was intimidation. Frequently, he said, black voters were turned away or discourged from participating by white polling officials. One such person, Arnold recalled, said, "Old lady, if you can't see, if you can't hear, you should have stayed at home." Witnesses told of "re-identification bills" designed to affect predominantly black counties while sparing white voters the inconvenience.

Michael Brown, field coordinator for the Virginia NAACP, outlined the voter registration procedures in rural areas of Virginia, where many black residents work in the fields during the day. In Pulaski County, he testified, the only place to register is the registrar's office, and then only during regular office hours. In Matthews County, the sole registration facility is in a furniture store, and there is no sign or other notice to indicate that voters may register there. Furthermore, Brown noted that there are "17 cities and counties [in Virginia] where the general registrar's office is open only one day a week" and most of them "are closed during the normal lunch hour." In Emporia, Va., where blacks make up 40 percent of the population, the registrar's office "is closed during some regularly scheduled hours."

In some areas, re-identification of voters can only take place between the hours of 9 a.m. and 4 p.m. City re-identification occurs in one location, and county re-identification in another, some distance away.

Victor McTeer, of Greenville, Miss., noted that the Mississippi delta has the highest concentration of blacks outside of Africa and that there continues to exist a "clear-cut pride on the part of many whites that so few whites could control so many blacks." One state, South Carolina, has a 38 percent black population, but no black state senator.

The cumulative effect of this testimony gradually forced me to several conclusions:

Blacks have made considerable progress toward significant participation in the South's political process since passage of the Voting Rights Act in 1965. For example, Alabama's black registration in 1964 was 23.1 percent, but by 1976 it was 58.1 percent. Greatest progress has been in Mississippi, where only 6.8 percent of blacks were registered to vote in 1964 but 67.4 percent were registered in 1976. In the same time span, South Carolina's 38.8 percent has increased to 60.6 percent, and several major cities have elected black mayors, including Atlanta, Richmond, Roanoke and Birmingham. In the six southern states now covered by the act, there were 156 black public officials; today there are 1,803. Indeed, we are halfway up the mountain—but we have some climbing to do.

Court proceedings, desirable as they are, are too slow and too costly to protect the great number of people—most without adequate resources—who still need protection.

Administrative pre-clearance hasn't always worked, but it has improved things in many areas. It could work even better if the penalty section (Sec. 12) of the act were employed.

The act already, in many respects, has effective nationwide application. For example, under Sec. 3(c), court action can be brought anywhere in the country, and if voting rights abuses can be shown, the court can order pre-clearance as one of its remedial actions.

Those jurisdictions presently covered, in all justice, ought to have available to them a procedure whereby they can seek a judgment from an appropriate federal court upon proving that for the past, say, 10 years they have complied fully with the letter and spirit of the law and hence no longer shall be required to pre-clear their election law changes. This would recognize compliance where it has occurred and provide an incentive to comply where improvement is still needed.

I still believe in the federal system. I regret and resist the accretions of power to the federal government that have occurred in recent years. I want to reverse the flow of power and responsibility back to local governments, as I believe there is a real danger in increasing the authority of the federal government over every aspect of our lives. Concentrations of power have always been dangerous, whether in business, labor or government. They are particularly invidious in government, as history keeps teaching us.

And yet, and yet—who can deny the right to vote is superior even to the right of free speech? What good is all the political rhetoric if you can't express your ideas and values at the polls?

As long as the majestic pledge our nation made in 1870 by ratifying the 15th Amendment remains unredeemed, then its redemption must come first.●

KEEPING WATER DEVELOPMENT ALIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. ROBERTS) is recognized for 5 minutes.

Mr. ROBERTS. Mr. Speaker, today I am introducing legislation to provide for South Dakota water development in lieu of the presently authorized Oahe and Pollock-Herreid projects.

The Pick-Sloan Flood Control Act of 1944 provided for water development in South Dakota to replace over 500,000 acres of prime bottomland inundated by the Missouri River dams. Downstream States have enjoyed the benefits of these dams in the form of flood control and increased navigation. For many reasons, too numerous too mention here, South Dakota has not reaped its share of benefits.

Over the past months, the South Dakota delegation has worked closely with State officials and the Department of the Interior in formulating this bill, recognizing the fiscal realities of today with the commitment made to South Dakota in 1944.

The major features of this bill include: The reauthorization of the WEB pipeline; studies of future water development in South Dakota; and studies of uses for the existing Oahe facilities.

Mr. Speaker, I am hopeful that the Congress will move quickly to compensate South Dakota for the great loss we suffered in agricultural productivity and economic prosperity.

The Pick-Sloan plan of 1944 found four major benefits arising from the construction of the dams; flood control, increased and consistent navigation, hydropower, and irrigation. Upstream States were to receive the low-cost hydropower to operate the replacement irrigation projects. Not 1 kilowatt of Missouri River Basin power has gone to South Dakota irrigation, nor has an irrigation project been built in our State. Downstream States have saved millions of dollars from flood control and established economic stability through the consistent transportation via navigation on the Missouri. The State is now united in its concerns and efforts to receive these benefits.

The Governor and the Board of Water and Natural Resources are working to prioritize the needs of the State and formulate a concise comprehensive State water plan.

The bill I am introducing today is the product of many months of working with the South Dakota congressional delegation, State officials, representatives of local water interests, and the Department of the Interior. The Department has reaffirmed the commitment made to South Dakota in 1944. By working with Secretary Watt's office we have formulated legislation that addresses the needs of South Dakota while recognizing the fiscal restraints of today. I received a letter from the Secretary outlining the administration's support and commitment to South Dakota. It reads as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 10, 1981.

Hon. CLINT ROBERTS,
House of Representatives,
Washington, D.C.

DEAR MR. ROBERTS: This is in response to the letter of April 22 signed by you and the other members of the South Dakota delegation concerning the $1.9 million of fiscal year 1981 funding for the WEB Pipeline (WEB) in South Dakota.

The Appropriations Committees of Congress, in their deliberations on a combination of general supplementals and rescissions in the fiscal year 1981 budget, directed that the $1.9 million for WEB be deferred until the Oahe Unit has been deauthorized. Further, the Committees directed that the project be reauthorized through the Farmers Home Administration and that appropriations be authorized to be made to that organization. Although this action has not affected the Department of the Interior's support for WEB, we are deferring obligation of the funds until these conditions are met.

With regard to other matters of mutual interest, we recognize that the deauthorization of the Oahe Unit is a matter best left to the Congress to decide, but we do not intend to ask for construction appropriations if it is not deauthorized. In addition, we are not opposed to undertaking new studies for South Dakota water resources development, including CENDAK and Governor Janklow's proposal to irrigate 100,000 acres in the James River Basin from the Garrison Diversion Unit.

We look forward to working with you on those matters.

Sincerely,

JIM,
Secretary.

Water development legislation concerning South Dakota must apply to both long range and current problems. I feel that this legislation meets these problems and provides for the future of South Dakota.

First, the bill reauthorizes the WEB rural water development project to provide a clean and consistent water supply to over 2,600 farms and towns located in a semiarid area. Problems arose with the original authorization in the Appropriation Committee over the jurisdiction of the project.

Second, it provides for the study of possible water development in South Dakota. Specifically it explores these four areas: Uses of existing facilities of the Oahe unit valued at over $40 million; revised plans for a Pollock-Herreid unit; study of possible uses of Garrison irrigation returns from North Dakota; and continuing recognition and studies of projects from the State planning mechanisms and procedures.

Third, this legislation provides for the cancellation of the master and supporting security contracts on the original Oahe unit, assuring that the project will not be built in its presently planned form.

Fourth, the bill preserves the benefits indirectly affecting South Dakota water development, the features of the Pick-Sloan legislation of 1944, as amended over the past years. I urge this Congress to follow through with its commitment to South Dakota with passage of this legislation. I have included a copy of the bill to outline its features.

H.R. 4347

A bill to authorize the Secretary of the Interior to proceed with development of the WEB Pipeline, to provide for the study of South Dakota water projects to be developed in lieu of the Oahe and Pollock-Herreid irrigation projects, and to make available Missouri Basin pumping power to projects authorized by the Flood Control Act of 1944 to receive such power

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the WEB Rural Water Development Project, authorized by section 9 of Public Law 96-355, is reauthorized.

(b) The Secretary of the Interior (hereinafter referred to as the "Secretary") is directed to proceed with the development of the WEB Rural Water Development Project, consistent with the terms of section 9 (e) of Public Law 96-355, and to make available for immediate obligation any funds appropriated for such project for fiscal year 1981, except that such funds shall be made available directly to the WEB Association and shall not be transferred to the Department of Agriculture.

Sec. 2. (a) The Secretary is authorized, in cooperation with the State of South Dakota, to conduct a study pursuant to this Act which shall include consideration of—

(1) alternate uses of facilities constructed for use in conjunction with the Oahe Unit, initial stage, James division, Pick-Sloan Missouri River Basin program, South Dakota;

(2) future uses in South Dakota of water delivered by the Garrison Unit, Pick-Sloan Missouri River Basin program, North Dakota;

(3) a modified plan of development for the Pollock-Herreid unit, South Dakota pumping division, Pick-Sloan Missouri River Basin program, South Dakota, including alternative lands or reduced acreages; and

(4) the potential for development of any other water project or projects proposed by the Governor of the State of South Dakota, in accordance with the policies and priorities of the State, which the Secretary determines may qualify for Federal construction funding under the terms of this section.

(b) In formulation his recommendations to Congress the Secretary shall take into account the land inundated in South Dakota under the Pick-Sloan Missouri Basin program and the irrigation development authorized for South Dakota by the Flood Control Act of 1944. In determining the feasibility of projects proposed by the State under this section the Secretary shall use criteria no less favorable than those under which the Oahe Unit, initial stage, was authorized, except that the Secretary may use other criteria with the consent of the State.

(c) The Secretary shall report to Congress the findings of the studies, along with his recommendations for disposition of the Oahe Unit, initial stage, for development of the Pollock-Herreid unit, and for Federal involvement in other projects proposed by the State.

(d) The Secretary may contract with the State to carry out the studies authorized by this section.

(e) The studies performed and the reports made under this section shall be of reconnaisance, appraisal, or feasibility grade as is appropriate to determine whether further action on the development of the Secretary's recommendations is warranted.

Sec. 3. (a) The Secretary is authorized to cancel the master contract and participating and security contracts for the Oahe Unit, initial stage, and to release any and all funds accumulated by the Oahe Conservancy Subdistrict under the master contract.

(b) Those features of the authorized plan of development for the Oahe Unit, initial stage, which were designed for and could be used only to deliver irrigation water to the Spink and West Brown irrigation districts shall not be constructed by the Secretary, but nothing in this Act shall be deemed to limit the authority of the Secretary to recommend development of other features, based upon the study authorized by section 2(a)(1) of this Act.

Sec. 4. The Secretary of the Interior, in cooperation with the Department of Energy, is authorized to make available the Missouri River Basin program pumping power to irrigation projects constructed in South Dakota by Indian tribes or by public entities organized under State law and which have been authorized by the Flood Control Act of 1944 to receive such power. Such power shall be made available at the request of the State of South Dakota or an Indian tribe, regardless of the source of construction funding for such irrigation projects.

Sec. 5. There are authorized to be appropriated $ to carry out the provisions of this Act.

NATIONAL ENERGY POLICY PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 30 minutes.

Mr. COLLINS of Texas. Mr. Speaker, the President has recently sent to Congress the national energy policy plan. The NEPP is an outstanding piece of work because it contains something this country has not seen in a long time: A commitment by the Federal Government to letting the free market take the lead in the development of solutions to our national energy problems.

National energy policy should not be set by Federal planners. It should, as the administration recognizes, instead be determined by millions and millions of individual choices made in a free marketplace. Reliance upon energy supply and demand, unfettered by regulatory controls, will lead to the most appropriate mix of energy resources at prices that are acceptable. The time has come for Government to stop subsidizing energy waste and inefficiency through bad energy regulatory policy, and allow the market to work for Americans as we regain control of our energy future.

Energy is the largest business of Texas. I think the time is appropriate to review our energy situation from the perspective of a State that believes in energy production. Perhaps the one Federal energy regulatory tool that is most negative economic impact is price control. Artificially low or high prices hurt everyone. The recent case of domestic crude oil decontrol is a texbook example of why the removal of price controls is good policy. In response to decontrol, oil well drilling is booming, conservation is increasing, and crude imports are down. There will be 70,000 oil well completions this year, and increase of 12 percent over 1980. These wells would break down into 8,200 new field wildcat completions and more than 1,600 discoveries.

Decontrol largely contributed to a drop in petroleum demand from 18,513,000 barrels per day in 1979 to 16,455,000 barrels per day so far this year. Crude imports are down to 5,368,000 barrels per day this year as compared to 8,389,000 barrels per day in 1979. Put another way, net imports of energy in the first quarter of 1981 were 28.9 percent less than in the first quarter of 1980. Conservation is obviously best achieved through the marketplace; the facts prove that market-directed price shifts have achieved more than Government programs ever could.

Texas energy producers have always been confident that the much-publicized energy resources shortages would disappear if controls were lifted. As if oil decontrol were not enough

proof, look at what has happened under the more liberal prices of the NGPA: 3 years ago, under President Carter, DOE said our gas reserves would be exhausted by the late 1980's. Carter called on gas users to abandon gas and the Congress passed faulty statutes such as the Natural Gas Policy Act and the Fuel Use Act.

Current supply estimates, prepared using realistic data and experience with a free marketplace, are much more optimistic. In the year 2000, there will be in excess of 28 trillion cubic feet of gas available, an increase of 33 percent over the 1979 level of gas supply. The U.S. Geological Survey has just released data that shows an increase of reserves in the Gulf of Mexico Outer Continental Shelf: about 40.2 trillion cubic feet. This is a huge amount of gas that is recoverable if the burden of controls is lifted on domestic natural gas, as has been done with oil.

Decontrol and deregulation should be the cornerstone of American energy policy. Gas is an excellent example why. Over a 5-year adjustment period, natural gas decontrol would reduce U.S. oil imports by 3 million barrels a day; this translates into $40 billion in annual savings. The ultimate irony is that natural gas may actually end up costing more under the NGPA than it would if decontrolled.

Two other energy sources will benefit from less regulation. Coal is perhaps this country's greatest natural energy resource, yet it is currently underused. Because of zero-risk oriented antipollution policies of the past, such as the Clean Air Act, and artifically low prices for other fuels, our abundant coal reserve supplies only one-fifth of our energy needs while oil and gas still account for 75 percent. The United States has 250 billion tons of proven coal reserves; this is the equivalent of 1.37 trillion barrels of oil. A free market with sensible environmental regulations will allow coal to fulfill its potential

Federal lands policy is the second energy resources a reasonable policy of energy development on our vast Federal lands will untie this Nation's hands on energy. It makes no sense to mark "untouchable" lands that contain 85 percent of our oil, 40 percent of our gas, 40 percent of our uranium, and 35 percent of our coal.

The energy industry labors under the most onerous tax environment any business has had to endure. I am amazed at what the industry has achieved despite obstacles Congress and the Federal Government has put in its way. If we are to do what must be done in the next decade, energy businesses must be given a better economic climate to operate in.

The windfall profit tax is the best example of both bad tax and energy policy. Independent producers spend 105 percent of their wellhead revenue drilling 90 percent of U.S. domestic exploratory wells. The billions in windfall profit tax they will pay will reduce the number of wells drilled in the 1980's.

In the first quarter of 1981, 21 of the most important energy companies paid $4.8 billion in windfall profit taxes. This compares to only $400 million in the first quarter of 1980, when the tax was in effect only 1 month. The energy business had to shift to a significantly more hostile economic environment at precisely the time we needed them to produce and explore for domestic energy.

The WPT is one of the largest revenue-raising measures ever passed by Congress. To get an idea of the size of this boondoggle, consider that the WPT is expected to produce $230 billion during the rest of this decade for the Federal Government. The expenses of the Department of Energy during the same time will be about $250 billion internally. We cannot stand by and let U.S. producers subsidize the heavy weight of needless bureaucracy and waste at a time when that money could be spent looking for and producing oil, gas, and coal.

If this country is serious about producing oil, a punitive tax is the worst possible policy, especially since most recoverable oil from now on is going to be expensive and difficult to get to. One very good calculation suggests that 450 billion barrels of oil have been found, while only 100 billion barrels have been produced. Additionally, 30 billion barrels have been proven to exist. If this is true, then there are 320 billion barrels of oil in the ground and recoverable if the economics are favorable. Under these conditions, to tax domestic oil production is to subsidize OPEC imports.

A tremendous amount of work must be done if our national energy goals will be reached. We all know cheap energy is gone. Federal policies must not make industry's job harder than it already will be. For example the cost of drilling continues to go up; in 1981 it will represent a $19.5 billion investment, an increase of $5.7 billion or 41.3 percent from the 1979 total.

Consider what must be done. The American energy industry will make a $297 billion investment in fixed plant by 1990. Between 1980 and 1990, the total expenditures of the U.S. energy industry will exceed $1.1 trillion. Per annum expenditures by 1990 are projected to rise $123 billion, up from $37 billion in 1973, but we will be producing only 25 percent more energy. In other words, it will take more bucks to get only 25 percent more bang. Regulation, control, and taxation should not be allowed to make conditions worse.

In spite of what the energy industry will spend, it is sobering to study its tax forecasts. The taxes paid by 22 of the 25 largest energy companies rose from $20.4 billion in the first quarter of 1980 to $24.6 billion in the first quarter of 1981. Total taxes went up 23 percent while total revenue increased by only 15 percent.

In light of what we are calling on our energy businesses to do, we should put taxes and revenues in perspective. Total taxes in the first quarter of 1981 were 18 percent of total revenue. This proportion represents taxes as being more than 2 times as great as total capital and exploration expenditures; the taxes were 10 times larger than dividends and almost 4 times larger than after-tax profits.

Mr. Speaker, we have a great challenge before us in meeting our country's demand for energy and we have the tool to deal with that challenge—the marketplace. I urge my colleagues to resist legislation which will prevent our country from a sound national energy policy. Instead, the path charted by the NEPP is prudent, realistic, and workable: less-Government, lower taxation, and a faith in the productive capacity of our people.

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MERGER MANIA AND TAKEOVER FINANCING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, as you know, deep concerns exist about the current game being played by the Nation's largest corporations and some international ones as well. These firms are engaged in bidding wars seeking to take over other large firms. The most visible of these involves Conoco. Mobil, Seagrams, and Du Pont have all engaged in a high stakes game to determine who will acquire Conoco.

This international game of monopoly is being fueled by lines of credit from syndicates of the largest banks in the world. U.S. banks are playing a prominent role in developing these lines of credit. These developments suggest that the current restrictive monetary policy is inequitable especially for small business men and women around the country who are starved for credit.

Recently, I wrote to Federal Reserve Board Chairman Paul Volcker expressing my concerns for such use of our scarce credit resources. At that time I strongly urged the Federal Reserve Board to use its power and influence to "make it clear to the Nation's money center banks that this is a very inappropriate moment for huge chunks of the Nation's available credit to be used for corporate takeovers and other nonproductive purposes."

An article in today's Wall Street Journal is a clear indication that these funding endeavors continue unabated. Cities Service Co. according to the article, has arranged a $3 billion line of credit and will fight any takeover bid. The article also suggests that the company might use the funds for acquiring someone itself.

On the other hand, another Wall Street Journal article reports on actions taken in Canada on the same subject. The finance minister of Canada, it is reported, has requested Canadian banks to reduce takeover lending. Apparently my recommendations had more impact in Canada than they did in the United States. I urge the Federal Reserve Board once again to use its influence and power to make it clear that these takeover lines of credit are inappropriate.

My letter to Chairman Volcker and the two articles follow for the RECORD:

COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, D.C., July 15, 1981.

Hon. PAUL VOLCKER,
Chairman, Board of Governors, Federal Reserve System, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the pages of the newspapers have been filled in recent weeks with reports of multi-billion dollar financings involving the takeovers of large corporations. One publication referred to the activity as "mob psychology" that promises to generate more billion dollar credits.

Among the activity have been lines of bank credit approaching $15 billion and centered on maneuvers involving oil and gas mergers, including the highly publicized efforts to acquire Conoco. Texaco is reported to have received bank credits totalling at least $5.5 billion; Mobil $5 billion; Shell Oil Company $3 billion. A number of other multi-billion dollar credits apparently are being processed in this takeover mania.

Such activity would require close scrutiny at any time, but at a time of highly restrictive monetary policy it is particularly questionable. Many areas of the U.S. economy, particularly housing and many sectors of the small business community, are at near collapse because of a severe shortage of credit—a shortage clearly not shared by the huge oil companies who desire funds for an international game of monopoly.

It is interesting, and a somewhat sad commentary on our priorities, to note that the credit extended by commercial banks to just two oil companies—Mobil and Texaco—for merger activity almost equals the $11 billion in budget reductions this Committee is required to make in assistance to housing programs for low and moderate income families in FY 1982.

This Administration and the Federal Reserve insisted on pursuing a tight money, high interest policy and have asked, in effect, that everyone in the economy "bite the bullet" in fighting inflation. Public support for such a policy requires, at a minimum, a perception that everyone is sharing in the hardship. Anything less destroys public confidence. These huge multi-billion dollar extensions of credit for non-productive international oil and gas takeovers are bitter pills for small business people who face bankruptcy because of a lack of credit on reasonable terms.

The Federal Reserve and this Administration cannot escape responsibility for the imbalance that is so clearly apparent in the credit markets. While I am sure there are lengthy dissertations available about the limits of the Federal Reserve's authority, I do know that it is possible for you and the other members of the Federal Reserve Board to make it clear to the nation's money center banks that this is a very inappropriate moment for huge chunks of the nation's available credit to be used for corporate takeovers and other non-productive purposes. The Federal Reserve has many implied powers and no banker will ignore a clear signal from the nation's central bank. If the Federal Reserve wants to put an end to the "mob psychology" of corporate takeovers fueled by unlimited bank credit, it clearly has the power and influence to do so.

Sincerely,

FERNAND J. ST GERMAIN,
Chairman.

CITIES SERVICE CO. ARRANGES NEW CREDIT OF OVER $3 BILLION

NEW YORK.—Cities Service Co. said that it is arranging more than $3 billion in new credit and that it would fight any company that tries to take it over.

"We're telling anyone who comes along with an offer to buzz off," said Charles J. Waidelich, president and chief executive officer. A determined Mr. Waldelich told analysts here yesterday that he would take any offer to his board, but emphasized that Cities Service isn't for sale.

"Cities Service isn't a merger candidate," he said. "We aren't planning any mergers, no discussions are being held with anyone and we will resist with every means at our disposal any attempt at a raid on Cities Service."

He added that the board supports his position and that "it is in the best interests of the stockholders."

The company said between 25 and 50 banks will be involved in a syndicate to extend to Cities Service slightly more than $3 billion in new credit, with much of it coming from abroad. When added to the credit Cities Service already has, the company will have about $4 billion in credit lines.

Some of that credit might be used to acquire other companies, Mr. Waidelich said. There isn't any restriction on the use of the funds. The final arrangement will be signed soon, he said.

Among the types of companies Cities Service might be interested in would be a coal-producing company, especially in the West and with low-sulphur coal, or a company with U.S. oil reserves, although Mr. Waidelich only mentioned the existence of assets currently on sale of about 25 million barrels.

Mr. Waidelich remained vague about future acquisition intentions. He said the credit line would be "available for normal business needs to enable Cities Service to pursue long-term strategies more aggressively," and that the money would "provide flexibility and capacity for the company to take advantage of acquisition opportunities that may become available. We are looking for oil, gas and coal properties that would fit into our strategic plans."

While making it clear that the money would also serve defensive purposes, Mr. Waidelich didn't say what the company might do in case of a takeover attempt. "We've considered many strategies of defense in case someone makes a raid on Cities Service, but I'm not going to stand here and give them to you because I want them (the potential acquirers) to be surprised," he said.

He said, however, that the company would be reluctant to repurchase its own shares. "That moves in a direction opposite from the one we want to go in," he said. "We want to preserve our equity base at at least its present size or increase it." Some analysts have said Cities Service should repurchase its own shares to help increase the price of the shares. Such a move would, however, reduce the number of shares outstanding.

Analysts pressed Mr. Waidelich about how he would justify a rebuff to an offer for Cities Service well above market price. Mr. Waidelich said "investors in Cities Service have to be more patient. I think people invest in stocks, especially natural resource stocks for more than a quick turnaround buck. They should."

CANADA ASKS BANKS TO REDUCE THEIR LOANS USED FOR TAKEOVERS

OTTAWA.—In an unusual move designed to aid the sagging Canadian dollar, Canada's finance minister, Allan J. MacEachen, met with senior Canadian banking officials to request a reduction in takeover loans, particularly those converted into U.S. funds.

Emerging from a closed-door meeting late yesterday, Mr. MacEachen said the banking officials "responded to my view quite well and felt that it was a timely action."

However, Mr. MacEachen didn't say whether he had received firm assurances from the banking officials, who weren't identified, or what actions would be taken if takeover loans weren't reduced.

Mr. MacEachen indicated that he had made a broad appeal for reduced lending, not only for take-overs outside Canada but for domestic bids, too. It wasn't disclosed whether specific limits were sought on either the number or the amount of individual loans. Mr. MacEachen said he expected that banks would meet existing commitments.

The Canadian official said he made the unusual request for restraint because of what he called "an epidemic quality" to current conditions. In the past two weeks, the Canadian dollar has fallen almost 1.5 cents (U.S.). On anticipation of a government statement yesterday, the Canadian currency gained 0.33 cents (U.S.) to close at 81.33 cents.

Recent months have marked a wave of Canadian purchases of U.S. assets, in Canada and the U.S. One analysis by Pitfield MacKay Ross Ltd., a Toronto-based brokerage firm, estimates that capital outflows from Canada have totaled $10 billion (Canadian) versus an annual average of $2 billion during the 1970s.

Mr. MacEachen didn't specifically tie such outflows to Canada's nationalist energy policies, but he urged that the policies be applied more slowly. The energy program is designed to encourage Canadian purchases of U.S. assets and has sparked a number of major takeovers, including the $1.46 billion purchase by state-owned Petro-Canada of the assets of Petrofina Canada Ltd., which was controlled by Petrofina S.A.

Concern that these nationalist policies may be extended to other industries isn't merited, Mr. MacEachen said. In a clear appeal to foreign investors, the finance minister said: "Obviously, we still want to encourage the inflow of capital."

"In that connection," he added, "I wanted to assure the Canadian banking community, as well as the population at large, that it is not the intention of the government to extend the policies embodied in the national energy policy to other sectors of the Canadian economy."●

THE FEDERAL RESERVE AND THE ADMINISTRATION SHOULD DISCOURAGE BANK LOANS FOR MERGERS, AND THUS ENCOURAGE INFLATION-FIGHTING LOANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

● Mr. REUSS. Mr. Speaker, the House on Tuesday, July 28, passed by a vote of 403 to 17 House Concurrent Resolution 160, expressing the sense of Congress that interest rates should be brought down now, by a variety of methods, including concentration by the banking system of its available credit on "uses which contribute most to long-term productivity improvement and inflation fighting" rather than on such things as corporate mergers and takeovers, which frequently contribute to inflation by simply bidding up the price of existing assets.

The case for encouraging the banking system to soft-pedal loans for speculative mergers, and thus have more available for legitimate business and agricultural loans, was well put in the debate by the gentleman from Rhode Island (Mr. ST GERMAIN), chairman of the House Committee on Banking, Finance, and Urban Affairs (CONGRESSIONAL RECORD, July 28, 1981, at 17714):

Chairman Reuss and I have had Paul Volcker before the committees in the last 2 weeks, and although he indicated little concern about the takeovers before the Joint Economic Committee, by the time he appeared before the Banking Committee last week, the bidding war had begun in earnest, and some lines of credit had been drawn down. At that time Chairman Volcker said he was concerned about the possibility of unproductive mergers, and violations of normal banking practices.

Since that time, 1 week ago today, the bidding wars have further escalated. Yesterday the offers, and counter-offers were flying at supersonic rates. Perhaps one offer, by one bidder, for Conoco could be mistaken for a productive use of resources, but an expensive and elaborate high stakes poker game among the Nation's largest corporations is an exhibition in conspicuous consumption that flies in the face of administration declarations of restraint and evenhandedness. After Seagram boosted its Conoco offer from $85 to $92 a share, Du Pont followed suit with a $95 offer for 50 percent of the stock and Mobil trumped the other leviathans by offering $105 a share, or $8.1 billion. Still this is not enough for some Wall Street plutocrats; as one said, "For $110 Mobil could have gotten my attention. But no way at $105."

Any illusion that this bidding was is an exercise in productive investment, rather than a game is dispelled by one speculator who told the Wall Street Journal this morning that, "I'm staying with Seagram because they'll cut me a check next Monday morning and I'll have the cash Tuesday. Then I'll probably buy some more Conoco and tender it to Du Pont."

Over $40 billion in credit commitments have been locked up through this kind of speculation, and it is being condoned by the Reagan administration which refuses to give any signal that it disapproves of horizontal mergers between the largest corporations in the country. First the administration and the Federal Reserve dry up much of the credit and money growth in the country, and then they stand by as the few remaining drops are sopped up by credit-hungry gamblers and speculators in massive takeover binges.

House Concurrent Resolution 160, before us today, calls on the administration to design and implement a policy of encouraging the banking system to concentrate available credit on those uses which contribute most to long-term productivity improvement and inflation fighting. If the administration would send the signals necessary, it could help restore the sense that this country's policies are designed to help all of its citizens, and not to benefit a few at the expense of the many. This is why I urge you to support this resolution.

Business Week magazine, in its issue of August 3, 1981, makes the same sensible point—let the banking system join the battle against inflation by easing off its lucrative preoccupation with mergers. The text of that editorial follows:

PRIORITIES ON LOANS

The massive bank loans that the great corporations are using to finance the current wave of mergers create a special problem for the money managers of the Federal Reserve. With money tight and interest rates at record levels, the merger loans crowd out other borrowers and make the Fed's anti-inflation policy more painful than it needs to be. Unless the Fed can find a way to give priority to legitimate borrowers, the demand for easier money may become irresistible.

The Fed has always disliked selective credit controls—on the grounds that money managers should not play favorites. Unlike fiscal policy, which targets taxes and spending at particular groups, monetary policy has been framed in terms of aggregates. In theory at least, the Fed should determine the amount of money, but the market should determine who gets it.

The trouble is that when top-drawer borrowers, such as Du Pont, Seagram, and Mobil, hit the banks for multibillion-dollar loans to finance merger bids, there is less left for small business, would-be homeowners, or other borrowers. The merger programs of the big corporations may be justified—and so may the efforts of the target companies to fight them off—but clearly they increase the demand for money and create hardships for ordinary borrowers.

To take some of the pressures off the market without resorting to formal controls, the Fed could go back to a device that once was considered its most effective weapon. The textbooks call it "moral suasion." It is, in fact, a quiet use of financial muscle. The Fed simply reminds the banks, which may at any time need to borrow at the discount window, that they should avoid "nonproductive" loans. All bankers know what this means, and most of them will undertake an informal credit rationing program if the Fed asks for it.

At the May meeting of the Open Market Committee, the money managers noted "the importance of conveying a clear sense of restraint at a critical time." They should also find a way to convey a clear sense of "first things first" to the banks that serve the U.S.

Our friendly neighbor, Canada, is beset with the same problem—the banks going all out for merger loans, and thus neglecting needed lending for productive equipment. Canada's finance minister, Allan J. MacEachen, yesterday asked the Canadian banks to cut down on their merger lending. Today's Wall Street Journal, July 30, 1981, carries that story:

CANADA ASKS BANKS TO REDUCE THEIR LOANS USED FOR TAKEOVERS

Ottawa.—In an unusual move designed to aid the sagging Canadian dollar, Canada's finance minister, Allan J. MacEachen, met with senior Canadian banking officials to request a reduction in takeover loans, particularly those converted into U.S. funds.

Emerging from a closed-door meeting late yesterday, Mr. MacEachen said the banking officials "responded to my view quite well and felt that it was a timely action."

However, Mr. MacEachen didn't say whether he had received firm assurances from the banking officials, who weren't idenified, or what actions would be taken if takeover loans weren't reduced.

Mr. MacEachen indicated that he had made a broad appeal for reduced lending, not only for take-overs outside Canada but for domestic bids, too. It wasn't disclosed whether specific limits were sought on either the number or the amount of individual loans. Mr. MacEachen said he expected that banks would meet existing commitments.

Mr. Speaker, I again call on the administration and the Federal Reserve System to ask the American banking system to cut down on their merger-mania and join the fight against inflation.

EDITORIAL ENDORSES ANNUNZIO APPROACH TO OLYMPIC COINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, there continues to be much debate in both Houses of Congress and in the sports and coin-collecting communities concerning the issue of striking commemorative coins for the 1984 Olympics to be held in Los Angeles. While there is general agreement that the minting of such coins would be beneficial, there is much disagreement over the method that would best accomplish this goal.

I have introduced a bill, H.R. 3879, which would call for the minting of a silver dollar to be sold directly to the public by the Treasury Department.

The proceeds from the sale would go half to reduce the national debt and half to the U.S. Olympic Committee solely to train Olympic athletes. The other approach, set forth in H.R. 3958 and S. 1230, would call for four denominations of gold, silver, and cupronickel coins in 29 designs. The coins would be struck at the mint but would be turned over to the Los Angeles Olympic Organizing Committee for resale to the public by private marketers. Proceeds of the sale would be divided between the Los Angeles Olympic Organizing Committee, the U.S. Olympic Committee and the private marketers of the coins.

An editorial in the August 1, 1981, edition of Numismatic News, one of the leading coinage newspapers, analyzes the differences between the two approaches and strongly favors my bill. The editorial points out that two of the major problems raised by S. 1230 are the excessive number of coins and the error of permitting private marketing of these coins. Under S. 1230 and H.R. 3958 the coins would be marketed by a joint venture owned by the international banking firm of Lazard Freres and the petroleum company Occidental Petroleum. The editorial states the News is opposed to "giving a private group headed by Occidental Petroleum monopoly sales privileges."

In analyzing H.R. 3879, the editorial states that:

> Annunzio's bill addresses nearly all of the problems that we see in S. 1230. Its reduced scale would avoid the problems of diminishing returns characteristic of numerous issues . . . and it avoids renewing the practice of giving non-Government groups marketing control of numismatic coinage issues (avoiding abuse potential).

The editorial also points out a problem with the inflated denominations of the coins proposed in S. 1230 and H.R. 3958. For example, the $10 silver coins authorized in those bills are identical in size, weight, and silver content with the silver dollar coin authorized in my bill. Such coins contain about $6.50 worth of silver at current silver prices. Besides violating a nearly 200-year old American tradition that silver coins of that size are valued at $1, the coins may also create a practical problem for merchants, bankers and the Federal Government. The editorial points out that in Canada many people took artificially denominated Olympic coins to banks for redemption. Besides creating a great inconvenience and a disproportionately high expense in handling such coins, the Canadian Government was also obligated to set up a fund to buy back these coins. According to a report to parliament from the minister of finance dated September 30, 1979, the Canadian Government had redeemed over $3 million of 1976 Montreal Olympic coins. The editorial points out that:

> Annunzio's bill neatly avoids this problem. The bullion value of a silver dollar far exceeds its face [value] and any person pressed for cash after purchasing an Olympic dollar would likely sell it to a dealer for numismatic value, or bullion value at the very least. In either case, they would stay out of commercial channels.

The editorial does contain one mild criticism of my bill in that it suggests that three silver half-dollars and one gold coin would be more successful than a single silver dollar. Even so, four coins is a lot closer to the one coin I propose than to the 29 coins proposed in the other bills.

So that Members may have the advantage of the full views of the editors of Numismatic News, the entire editorial is reprinted below.

[From Numismatic News, Aug. 1, 1981]

MORE ON OLYMPIC COINS

It seems increasing likely that the 28-year dry spell in commemorative coins will come to an end in 1982, with the issuance of a series of coins to honor the 1984 Summer Olympic Games in Los Angeles. The Treasury, private groups and hobby spokesmen all enthusiastically endorsed the idea of striking Olympic commemoratives and using the proceeds from their sale to the public to partially finance the Games and American participation in them. These opinions were expressed July 14 at a hearing held by the Senate Banking, Housing and Urban Affairs Committee in Washington, D.C.

We have already gone on record supporting the idea, but opposing the specific bill under consideration (S. 1230), which calls for the striking of a 53-coin set and giving a private group headed by Occidental Petroleum monopoly sales privileges. This opposition was voiced in Washington by Chester L. Krause, president of the firm that publishes the News, in his testimony before the committee.

Treasurer of the United States Bay Buchanan in her testimony also stated that the Treasury Department "does not support the bill in its present form." She said the department "has serious reservations about the magnitude, scope and nature of S. 1230 and does not consider this bill, as proposed, to be in the best interest of the public or the government." Buchanan's testimony also endorsed the concept of keeping marketing and distribution of Olympic coins under the supervision of the Treasury.

Naturally, we are pleased to see that the Treasury Department's position is very similar to our own and we will support any effort made by Buchanan to pare the number of coins authorized to a realistic level and to insure Treasury control of sales.

We feel a good starting point in Olympic coinage considerations is the bill introduced in the House of Representatives by Rep. Frank Annunzio (D-Ill). It calls for striking a silver dollar commemorative. It would carry just one design, but be struck in the years 1983, 1984 and 1985. If there are proof and uncirculated versions, that would create a six-coin Olympic coin set. Mintage would be restricted to a maximum of 25 million and price would be established by levying a surcharge over and above the cost of production. The bill specifies that this surcharge be not less than 25 percent and that the money raised by the surcharge would be divided evenly between the general fund of the Treasury and the United States Olympic Committee. The Mint would be given sole responsibility for marketing.

Annunzio's bill addresses nearly all of the prolems that we see in S. 1230. Its reduced scale would avoid, to a large extent, the problems of diminishing returns characteristic of the numerous issues of the Moscow and Montreal programs; it avoids renewing the practice of giving nongovernment groups marketing control of numismatic coinage issues (avoiding abuse potential), and it avoids the legal tender problems that are sure to arise with the creation of artificial denominations.

To further elaborate our third point, we look to Canada's experience with its Olympic coinage. After striking silver $5 and $10 coins and gold $100 coins, bullion prices fell far below face value. Some purchasers of these coins took them to their banks to exchange them at face value for folding money. They were refused! Even though the coins were technically legal tender, they were not accepted by that country's financial institutions. Embarrassed by this, Canada eventually set up a fund to buy back all of the coins that found their way into circulation. The damage to their prestige was irreparable, however. Ads in hobby publications at the time offered to pay $8 for the $10s and $4 for $5s.

What would happen in this country if people began showing up at their local banks with silver $10s and gold $100s as would be authorized by S. 1230? Would they be refused as people were in Canada? It would be very embarrassing for the Administration to repeat Canada's mistake. Annunzio's bill neatly avoids this problem. The bullion value of a silver dollar far exceeds its face and any person pressed for cash after purchasing an Olympic dollar would likely sell it to a dealer for numismatic value, or bullion value at the very least. In either case, they would stay out of commercial channels. Alert bank tellers would probably grab any that got to banks. After all, $6 in silver for $1 face is a bargain in anybody's book.

The possibility that S. 1230 $10s and $100s would get into circulation in this country is not remote. Face value on the silver $10s struck to S. 1230 specifications already greatly exceeds the bullion value of $6.70 and the gold $50s and $100s are already at the break-even level. It wouldn't take much to get a person who is pressed for cash to decide to spend them at face, even if he paid a premium for them.

The problem with Annunzio's bill is that it will have as much trouble raising money for the Olympics as S. 1230. What the latter does with overkill, Annunzio's bill does with its modest scope. One design for three years running is not going to attract the public. A date change will not motivate the public to buy a complete set, so sales in the last two years will come in well under the first. To correct this, designs should be changed with the dates.

This is why we feel our plan for three different 90 percent silver half dollars and a half-ounce $10 gold piece as outlined in this space in the June 27 issue is still the best compromise to bring commemorative coinage back to the hobby.●

OLIN E. TEAGUE AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, last Tuesday the Veterans' Administration awarded its third annual Olin E. Teague Award for outstanding rehabilitation of war-wounded veterans to a team of extremely able and gifted individuals in the medical field.

Named in honor of the very distinguished former chairman of the House Committee on Veterans' Affairs, the award was presented to Drs. Mark I. Singer, M.D., and Eric D. Blom, Ph. D., for their development of a simplified yet revolutionary prosthesis for voice restoration.

Former VA Administrator Max Cleland, himself a superb example of successful rehabilitation, established the award upon Mr. Teague's retirement from the House in 1978. It is given annually to the VA employee, or team of employees, whose achievement has been extraordinarily beneficial to the rehabilitation of war-injured veterans.

Drs. Blom and Singer have developed a simple surgical technique and an inexpensive, replaceable prosthesis that channels air directly from the lungs to the throat for speaking. This significant development appears to have solved many of the problems encountered in past attempts to route air from the lungs to the throat after total laryngectomy.

The two distinguished scientists are former VA employees and were on the staff of the VA Medical Center in Indianapolis when they developed the prosthesis. Both are now affiliated with Methodist Hospital in Indianapolis.

This breakthrough will obviously enhance the lives of many seriously disabled veterans and, indeed, many disabled people throughout the world, and I am delighted these dedicated individuals have been recognized by the Administrator for their outstanding work. I am sure my colleagues in the House join me in congratulating Dr. Singer and Dr. Blom for being selected to receive this outstanding award in recognition of their medical achievements.

Mr. Speaker, the occasion of this presentation speaks eloquently for its worthy recipients; for the overall excellence of VA's research and development programs; and, most especially, for the greatness of the man in whose name this award is offered. Indeed, I cannot imagine a more fitting tribute to the man who did more for veterans, particularly the disabled veteran, than any single American in our Nation's history.

Olin Teague's death in January of this year gave rise to a legacy of determination, forthrightness and integrity that can only inspire those of us who come behind him. Never one to be motivated by fame or personal glory, Olin Teague's drive came from his incalculable ability to empathize with those for whom he fought.

Mr. Teague's achievements are not confined to veterans' matters, however, but include helping pave the way for manned space travel and space exploration through his great leadership as chairman of the House Science and Technology Committee. In this role, he also intensified new efforts to apply advanced, space-age technology to the needs of the handicapped.

Such was the man that his achievements and his legacy speak louder and will endure longer than any eulogy to him. He commands our most humble respect and admiration.

I am delighted that Mrs. Olin Teague was able to be present when the award was presented last Tuesday.●

TENTH ANNIVERSARY OF THE ROTHKO CHAPEL OF HOUSTON, TEX.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LELAND) is recognized for 15 minutes to revise and extend his remarks.

Mr. LELAND. Mr. Speaker, on June 20, 1981, an event of moral importance happened in Houston, Tex., the Rothko Chapel, for its 10th anniversary honored an international group of men and women who have placed truth and freedom at the center of their lives, and who have, often at great personal risk, fought oppression in whatever form it might take.

Mr. Speaker, I would like to take a few moments to acknowledge and honor this important celebration of the 10th anniversary of the Rothko Chapel, the recipients of the human rights awards, and the founder and director of the Rothko Chapel, Dominique de Menil, whose profound dedication to the free expression of the human spirit and the cause of human rights, has brought the Rothko Chapel to its 10th year. A recent Houston Post editorial properly and eloquently outlined this achievement:

In its decade, the Rothko Chapel has stretched the minds of people around the world—and of Houston. Houston is privileged to watch as the Rothko Chapel honors men and women of heroic principle.

Twelve awards, each carrying an unrestricted gift of $10,000, were given on that evening.

Las Madres de la Plaza DeMayo were among the recipients of these first Rothko Chapel awards. Their courage and firm stand in denouncing the silence of the Argentinian Government on the fate of thousands of disappeared persons in that country has been described in the CONGRESSIONAL RECORD by Senator KENNEDY. Even as they journeyed to the United States to receive this award, they were charged by the Argentine Government "with a campaign of slander and lies," and upon their return to Argentina, they were detained and several possessions confiscated.

Roberto Cuellar, director of Socorro Juridico, the Legal Aid Department of the Archdiocese of San Salvador also traveled to Houston to receive well deserved tribute for his dedicated and fearless work. Closely associated with the late Archbishop Oscar Romero, murdered on March 24, 1980, Roberto Cueller is carrying on the documentation and denunciation of the daily assassinations of the poor and those who stand with them in El Salvador.

An award was also given to Jose Zalaquett, a Chilean lawyer who was exiled for his courageous work in establishing the human rights division of what is now the Vicaria de la Solidaridád in Chile after the fall of Salvador Allende's government. Jose Zalaquett is currently chairperson of the International Executive Committee of Amnesty International.

Zwelakhe Sisulu, journalist and president of the Media Worker's Association of South Africa, was also singled out to receive an award. Under a strict banning order, it was impossible for him to travel to Houston. He was in fact arrested in South Africa on the very day of of the ceremony. The Rothko Chapel strongly protests the unjust detention of this brilliant young leader.

Another award went to Chief Tom Porter, one of the chiefs of the Mohawk Nation at Akwesasne near Racquette Point, N.Y. He was recognized for his patient and determined efforts to maintain the sovereignty of the Indian nations and to preserve traditional Indian culture.

Four American citizens received awards: Warren Robbin, founder and director of the Museum of African Art here in Washington, D.C., Ned O'Gorman, for his total commitment to bettering the lives of children in New York's Harlem, and Douglas and Joan Grant, who received the award as a couple for their dedicated work in an innovative and successful program involving prisoners within the confines of the penal system of California.

Two prisoners in Soviet labor camps, Tatiana Velikanova and Balys Gajauskas, were selected for their brave and selfless devotion to the cause of human rights and their denunciation of the violations of the Helsinki accords in the Soviet Union.

Two deeply religious persons, a Christian, Giuseppe Alberigo, and a Muslim, Amadou Hampaté Bâ, were also honored with Rothko Chapel awards for their scholarly work and their open and tolerant attitudes.

These are truly men and women of heroic deeds and selfless dedication. They should serve as examples to all of us. They epitomize that upon which the Rothko Chapel was founded and which it commemorates.

What is Rothko Chapel? Rothko Chapel opened in Houston in 1971 as an ecumenical center for religious, intercultural, and human rights activities. It was the product of the longtime vision of John and Dominique de Menil—two of Houston's outstanding citizens, whose devotion to the betterment of this city and of fellow citizens through arts and education, has earned them a special place in the hearts and minds of Houstonians.

The most beautiful and fitting words about the Rothko Chapel and its mission, and on the vocation of all heroes of human rights—those we commemorate here and the many more anonymous—are Dominique de Menil's own: I will read them to you and leave my colleagues with these thoughts:

The Rothko Chapel is a sanctuary open to all, a no-man's land of God—named or unnamed—thus, every man's land. Its spiritual atmosphere comes not from any traditional religious decoration. It emanates from a majestic ensemble of 14 dark, reddish panels, created by the late artist Mark Rothko.

Affiliated with no particular religion, dependent on no particular group, the chapel has attracted people in search of peace, meditation, and a more intense consciousness of our time. It has become a center for intercultural and human rights encounters. Every year the birthday of Martin Luther King, Jr., and the anniversary of the United Nations Universal Declaration of Human Rights are celebrated.

In 1981 we mark the 10 anniversary of the Rothko Chapel. It is a good time to reaffirm its vocation and question our faithfulness to it.

It is a vocation so simple, so basically human that it is understandable by all—yet so difficult to observe. It commits us to honesty, to justice, to compassion. In the end it demands that we recognize "the other" as another "I."

The other. The others.

Millions of them are left to sink. They are asphyxiated, starved, tortured, reduced to silence. Yet, at great risk, a few men and women refuse to bow down in front of hypocrisy, pseudo-truths, inflated authority. Loud or silent, their testimony sends endless echoes around the world.

To such heroic people, many of them anonymous, we dedicate this ceremony. To them and to their struggle for freedom, a freedom which no authority in the world, be it political, ideological, religious or economic, should be able to restrict without consent; a freedom belonging to every human being in search of more justice.

The future cannot be closed; it must remain open as a creative hope for man.

Mr. Speaker, in adding to my comments, I wish to commend to my colleagues and to you the following relevant articles for the RECORD, from the New York Times and the Houston Post:

[From New York Times, June 23, 1981]

RIGHTS AWARDS MARK 10TH YEAR OF THE ROTHKO CHAPEL IN HOUSTON

HOUSTON, June 22—The Rothko Chapel, opened here in 1971 as an ecumenical center for religious, intercultural and human rights activities, observed its 10th anniversary this weekend with the presentation of gifts of $10,000 each to 12 recipients, including two Soviet prisoners.

The gifts were awarded to nine individuals, a California couple and two groups, at the chapel's first Truth and Freedom Awards Program.

The chapel is a product of the longtime vision of the late Houston philanthropist John de Menil and his widow, Dominique, who believed that there was a need for a place of universal worship of all faiths. It is named for the painter Mark Rothko, who, with the architect Philip Johnson, designed the chapel.

Before a ceremony at the chapel Saturday night, Mrs. de Menil said: "Everybody's asking me why, why are we here? Every day I read things that just make me feel we've got to do something, and the 10th anniversary of the Rothko Chapel seemed as good an occasion as any."

CLOSE TO BROTHERS AND SISTERS

In choosing recipients of the awards, Mrs. de Menil said, "We were looking for people who we feel are really close to their brothers and sisters, and who have the courage to act accordingly."

Two of the recipients, Balys Gajauskas and Tatyana Velikanova, are political activists in Soviet labor camps. Mr. Gajauskas was sentenced to 10 years in prison for "disseminating anti-Soviet propaganda" in 1978, after he had spent 25 years in prison for resisting the Soviet occupation of Lithuania in World War II. Miss Velikanova, 49 years old, a mathematician, was sentenced to four years in prison last year for founding a human rights organization.

Another recipient, Zwelakhe Sisulu, a 30-year-old black journalist who is national president of the Media Workers Association of South Africa, was arrested yesterday in South Africa for leading a strike against a white-owned newspaper there.

AWARDS TO BE HELD IN TRUST

Friends of those three accepted the awards at the ceremony. The money will be held in trust, Mrs. de Menil said, until the recipients notify chapel officials about how to dispose of it.

Other recipients of the award are:

Giuseppe Alberigo, 55, church historian and director of the Institute for Religious Sciences in Bologna, Italy.

Amadou Hampate Ba, 82, Islamic spiritual leader from Mali and for eight years a member of the executive council of UNESCO.

Douglas and Joan Grant, behavioral psychologists of Berkeley, Calif., who have set up a rehabilitation project in the California prison system.

Ned O'Gorman, 52, poet and founder of the Children's Storefront in Harlem.

Warren Robbins, 58, founder and director of the Museum of African Art in Washington.

Sakokwenonkwas, or Chief Tom Porter, 36, spiritual leader of the Mohawk Nation at Akwesasne, Racquette Point, N.Y., who is involved in the state's ecological and antinuclear movement.

Jose Zalaquett, 39, a Chilean lawyer living in Washington, chairman of the international executive committee of Amnesty International.

Socorro Juridicio, the legal aid department of the archdiocese of San Salvador, El Salvador.

Las Madres de la Plaza de Mayo, an organization of women who press for information about the 15,000 people believed to be missing in Argentina.

[From the Houston Post, June 19, 1981]

ROTHKO CHAPEL'S 12

Some of them are imprisoned. Some have dedicated themselves to freeing prisoners. Many have risked their lives and fortunes for truth and freedom. To commemorate its 10th anniversary Saturday, the Rothko Chapel will give an award and a $10,000 purse to each of 12 honorees from many faiths and many continents.

In its first decade the chapel has been the scene of remarkable events: The ritual of the Whirling Dervishes, annual observances of Human Rights Day, colloquiums that have brought together religious leaders of the world. John and Dominique de Menil, its founders, let the chapel find itself over the years as a home for denominations without a place for worship, as a center for people united in worship but each in his own tradition, and simply as a place for people to be quiet, to think, to discover their own thoughts and hopes.

"The Rothko Chapel is a sanctuary open to all, a no-man's land of God—named or unnamed—thus, every man's land," the awards ceremony brochure reminds. The tenth anniversary is "a good time to reaffirm its vocation and our faithfulness to it. . . . A vocation to serve truth and freedom, outside of which there is only the infinite sadness of lies and oppression. One that demands that each of us recognize 'the other' as another 'I,' accepting thus a principle of fundamental justice."

Among those to be honored is an Islamic spiritual leader from the Ivory Coast who works for understanding between Islamic, Jewish, Christian and tribal traditions; a Lithuanian historian of the resistance who is in a Soviet labor camp; a California couple, behavioral psychologists, who worked with 18 supposedly intractable prisoners until several finished college and three earned doctorates; a group of women who risk harassment and arrest as they press in search for some 15,000 persons missing in Argentina; a spiritual leader of the Mohawk nation; a South African under house arrest for his crusade against apartheid; the legal aid department of the Archdiocese of San Salvador; a mathematician and human rights advocate in a Soviet labor camp for women; and a poet who started a school in Harlem.

The achievements are of infinite variety. In its decade the Rothko Chapel has stretched the minds of people around the world—and of Houston. Houston is privileged to watch as the Rothko Chapel honors men and women of heroic principle.

[From the Houston Post, July 9, 1981]

AWARD SEIZED—ARGENTINEANS TAKE ROTHKO MEDAL FROM WOMEN

(By Mark Winiarski)

Two Argentine mothers who recently received a Rothko Chapel award for their "commitment to truth and freedom" were detained and the award medal confiscated upon their return to Buenos Aires, officials said Wednesday.

A State Department spokesman said in Washington that the agency made inquiries in Buenos Aires about the Tuesday action and was waiting for "more complete information."

Locally, Dominique de Menil, founder and director of the chapel and donor of the

awards, Wednesday urged "respectful telegrams" be sent to the State Department expressing "dismay and concern and urging the return of the confiscated properties to the mothers." In New York, a human rights group sharply criticized the Argentine government's actions.

A minister in the Argentine Embassy in Washington said he had no information other than a State Department report.

The mothers, Maria Adela Gard de Antokoletz and Hebbe de Bonafini, are two of several thousand women known as Las Madres de la Plaza de Mayo—women who have gained international attention by walking every Thursday in a plaza near the Argentine presidential palace in Buenos Aires to protest the disappearance of family members.

As representatives of Las Madres the two were in Houston June 20 to be among 12 groups and individuals to receive the first Rothko Chapel awards, which included a $10,000 gift, given by de Menil.

The women remained in the United States several weeks meeting with supporters and appearing on television and radio programs.

When de Antokoletz and de Bonafini returned to Buenos Aires Tuesday Argentine Air Force officials detained them at the airport and questioned them for two hours before releasing them, according to Jeri Laber, executive director of Helsinki Watch, a human rights group based in New York.

The Argentine officials "confiscated a number of documents, including the Rothko Chapel award," Laber said.

Other items confiscated, according to Laber, included a tape cassette of a Bill Moyers program in which the women discussed Jacobo Timerman, who said in a recent book that he was tortured while imprisoned in Argentina.

Newspaper clippings and the Rothko Award program were also among the confiscated items, a political refugee from Argentina now living in Washington told The Post.

The refugee said that de Bonafini, in a phone call to the United States, said she was told the materials may be returned in 10 days "pending further study."

Officials also attempted to confiscate the women's passports, according to the refugee who asked that his name not be used. The women had refused to yield them, he said he was told.

The women apparently were unaware of government criticism made public in Argentina during their absence, the refugee said.

La Nacion, a pro-government newspaper, July 1 quoted a spokesman for the Minister of Foreign Affairs who charged the women with a "campaign of lies and slander developed in the last few weeks in the United States."

The officials were responding specifically to charges they believed the women made regarding "disappeared persons" in Argentina.

Apparently, U.S. press accounts quoted the women saying more political disappearances, believed to be the work of Argentine government agents, occurred in 1981. The government spokesman denied the charge in La Nacion.

In Washington Wednesday, Minister Roberto Dalton of the Embassy of Argentina said he had no information other than a State Department report that the women were "delayed" and some possessions confiscated. He said he did not know why the women were singled out.

De Menil, who chose Las Madres as one of the award recipients, issued a statement Wednesday urging "all those who care about freedom to send respectful telegrams to Steven Palmer, acting head of the human rights division of the State Department, conveying dismay and concern and urging the return of the confiscated properties to the mothers."

"It is going to turn out for the good," de Menil added. "International publicity is the only means these mothers have to change the attitudes of their government. It is important that voices from outside the country bring influence to bear on the (Argentinean) government," she said.

Patricia Derian, former assistant secretary of state for human rights and an organizer of a new group called the U.S. Friends of the Mothers of the Plaza De Mayo, said the detainments "demonstrated lawlessness and callousness toward women whose only sin is to demand an accounting of what happened to their children."

When they were in Houston, the women acknowledged they were in danger. "There are no guarantees in Argentina," de Antokoletz said then.

THE COLLECTION SERVICES PROCUREMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 10 minutes.

● Mr. ENGLISH. Mr. Speaker, today I am introducing the Collection Services Procurement Act. The main purpose of this bill is to authorize Federal agencies to contract with private debt collection agencies in order to collect delinquent Federal debts.

My colleagues are already aware of the massive debts owed to the Federal Government and of the enormous amount of this debt that is delinquent. Mismanagement on the part of bureaucrats has permitted these delinquent debts to accumulate. The details of the problem are described in the recently issued report of the Office of Management and Budget debt collection project.

On May 18, 1981, the House passed H.R. 2811, a bill designed to help agencies manage their debts in a more businesslike fashion and to make agency debt collection activities more effective. That bill was only one step in the effort to improve debt collection practices and to increase the revenue from delinquent debts.

Because agencies have such a poor track record in managing their debts, we must recognize that there may be times when agencies need assistance. That is what the bill I have introduced today will do. It will authorize and regulate the use of private debt collection agencies by the Federal Government. I hope that use of private debt collectors in appropriate circumstances will increase the repayment of debts owed to the Federal Government. I am convinced that use of these private collectors can be done in a way that is consistent with the right to privacy, the rules that govern the contracting out of Government functions, and the laws that regulate debt collection practices.

This bill is necessary because it is not clear under present law that agencies have the authority to enter into contracts for debt collection services. For many years, the General Accounting Office took the position that Federal agencies could not legally delegate the debt collection function to private contractors. In order to overcome this restriction, Congress found it necessary to expressly authorize the use of private debt collectors for a specific category of debts in the Education Amendments of 1976, Public Law 94-482.

I was surprised when the General Accounting Office and the Department of Justice reversed this interpretation and amended the regulations for the Federal Claims Collection Act. The amended regulations require agencies to consider contracting for debt collection services. This rule change appeared in the Federal Register for April 17, 1981. No adequate reason for the shift in legal position was cited by the General Accounting Office and the Justice Department in the explanation that accompanied the rule change.

I asked the Congressional Research Service to take a look at the issue of the legality of contracting out for debt collection services. CRS found no clear legal explanation for the change in the opinion of the General Accounting Office and the Justice Department.

It seems to me that if an activity was once considered to violate Federal law, then it takes a legislative change in order to make that activity legal. Neither the Comptroller General nor the Attorney General has the authority to amend Federal statutes.

Because of the tremendous uncertainty engendered by the change to the Federal Claims Collection Act regulations, we need to clarify the law. No agency can responsibly rely on the newly revised rule. I am concerned that any action based on this questionable interpretation will lead to significant disruption of agency debt collection efforts. It will raise questions of possible liability for agencies and agency personnel for improper disclosure of information. Without legislation action, massive confusion will result.

The text of the bill follows:

H.R. 4333

A bill to amend the Federal Property and Administrative Services Act of 1949 with respect to procurement of collection services

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 "Collection Services Procurement Act of 1981".

SEC. 2. (a) Title III of the Federal Property and Administrative Services Act of 1949 (relating to Federal procurement proce-

dures) is amended by adding at the end thereof the following new section:

"PROCUREMENT OF COLLECTION SERVICES

"SEC. 311. (a) In accordance with such regulations as the Director of the Office of Management and Budget may prescribe under subsection (b), each agency head may enter into a contract with any individual or organization for collection services in recovering debts owed to the United States. Any such contract shall include provisions specifying that the agency head retains the authority to resolve disputes, compromise claims, terminate collection, and initiate legal action, and that the contractor shall be subject to section 552a of title 5, United States Code, and, when applicable to Federal and State laws and regulations pertaining to debt collection practices, including the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).

"(b) The regulations prescribed by the Director of Office of Management and Budget shall insure the maximum practicable use of competitive bidding procedures in the procurement collection services, and may authorize only such other procedures as assure full and free competition among providers of such services.

"(c) The provisions of this section shall not apply to recovery of debts owed the United States under the Internal Revenue Code of 1954.

"(d) For purposes of this section, the term 'agency head' means the head or assistant head of an executive agency.".

(b) The amendment made by subsection (a) of this section shall take effect one year after the date of enactment of this Act.●

LEGISLATION TO IMPLEMENT RECOMMENDATION BY UNITED STATES-JAPAN ECONOMIC RELATIONS GROUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, today, on behalf of myself, Mr. FRENZEL, and Mr. GIBBONS, I am introducing a bill designed to implement some of the recommendations made by the United States-Japan Economic Relations Group.

This group is often called the "Wisemen," and for good reason. Its members, all of whom are successful businessmen, statesmen, and scholars, have written a very thoughtful and penetrating study of United States-Japan economic relations. Their report stressed that cooperation between our two countries is essential for the economic health of the entire world. As they noted—

Each year, Japan and the United States together produce about 35 percent of the world's new output and engage in almost 20 percent of the world's trade. For this reason, the two countries' success in maintaining a close, mutually beneficial relationship is not only vital to their own prosperity and security, but critical to the world as a whole.

In the past few months, it seems that both countries have been ignoring this excellent advice. Recent events, including the auto trade limitation agreement, have strained the relationship between our two nations. In light of these events, it is particularly important that we try to build some new bridges of cooperation.

My colleagues and I believe that one of the best ways to do this would be to begin implementing some of the recommendations made by the Wisemen. Not only would this encourage the Japanese to do the same, but it would result in some needed improvements in U.S. productivity and in U.S. understanding of Japan.

Obviously, with the Federal Government's severe budget constraints, the steps we suggest must have a very limited budget impact. What we propose, then, is a series of wide-ranging and cost-effective measures including:

Oil swap rights with Japan;

Studies of energy conservation in major Japanese industries in comparison to those in the United States;

Encouragement of a bilateral coal purchase, supply, and investment agreement;

A GAO study of Japanese productivity gains which might be "exportable" to the United States;

Encouragement of Cabinet-level consultation between the United States and Japan;

Establishment of a Japan-United States Interparliamentary Union, similar to the unions we have with Europe and Canada;

Emphasis on country and language studies programs for civil servants;

Limited funding for the Trade Study Group, which has been an important factor in resolving trade disputes between our two nations, and a limited fund to set up similar groups in several nations;

Encouragement of private-sector agricultural purchase and supply agreements with Japan.

This is a discussion bill; we do not expect that it will be enacted in its entirety. But we are hopeful that some portions will become law. We are also hopeful that this bill will spur Americans to think not only about what Japan should be doing to improve trade, but about what America should be doing to improve trade. We hope the bill will lead to serious discussions about the ways in which the United States and Japan can cooperate on trade matters, to the benefit of both our countries.●

● Mr. FRENZEL. Mr. Speaker, today Congressmen JONES, GIBBONS and I have introduced an omnibus bill which contains the recommendations of the United States-Japan Economic Relations Group, better known as the "Wisemen's Group."

As the bill concerns issues which would have multiple committee jurisdictions, we do not expect speedy passage of the bill in its entirety. Rather, we are hopeful that the bill will focus some needed attention on the Wisemen's suggestions as to how we can improve our trade relations with Japan. The United States-Japan Economic Relations Group's report contains some excellent suggestions as to how both the United States and Japan should modify their policies to insure the most beneficial trade relationship between our nations in the future. Our bill responds to the suggestions to the U.S. side.

The Jones-Gibbons-Frenzel bill provides for oil swap rights with Japan; a look at Japan's energy conservation successes for possible application here; encourages a bilateral coal purchase, supply and investment agreement; supports efforts to multilaterally lower the tariff on semiconductors; requests a GAO study regarding which Japanese productivity successes might be applicable to the United States, encourages more education and exchange programs between the United States and Japan; provides more U.S. funding for the successful Trade Study Group which has provided U.S. and Japanese business and government officials a needed forum for discussions; and a resolution to encourage our Government to work with Japan to move away from its agriculture import quotas.

I recommend the above suggestions by the Wisemen's group to my colleagues and hope that we can begin to implement them in an effort to develop the most effective trade relationship between the United States and Japan as possible.●

EXPLANATION AS TO VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON), is recognized for 5 minutes.

● Mr. DANIELSON. Mr. Speaker, I was unable to be present on the floor of the House of Representatives on July 16, 1981, when the House voted on rollcall No. 138, and rejected an amendment to H.R. 3519, Department of Defense authorization, that sought to provide $2.6 billion in funds for the procurement of F-16 aircraft in lieu of A-7K aircraft. Had I been present, I would have voted "aye."

I was also unable to be present for rollcall No. 154 on July 23, 1981, when the House agreed to House Resolution 185, waiving certain points of order against H.R. 4144, energy and water development appropriations. Had I been present, I would have voted "yea."●

THE RETIREMENT INCOME INCENTIVES AND ADMINISTRATIVE SIMPLIFICATION ACT OF 1981 (H.R. 4330)

(Mr. ERLENBORN asked and was given permission to extend his re-

marks at this point in the RECORD and to include extraneous matter.)

Mr. ERLENBORN. Mr. Speaker, the bill I am introducing today with my colleagues, Messrs. ASHBROOK and FRENZEL provides for the consolidation and simplification of the laws and administration relating to employee benefit plans, and also provides new incentives to increase retirement savings and to renew the growth and expansion of benefits and coverage under private pension plans. This bill, the Retirement Income Incentives and Administrative Simplification Act of 1981, sets a new course whereby private pension and other employee benefit plans may grow to meet the retirement income challenges of this Nation in the 1980's and beyond. An identical measure is being submitted today in the other body by Senators NICKLES and WALLOP.

Our national pension system is at a crossroads. The present means of delivering retirement income will be faced with far greater demands in the future. Barring significant changes in our national pension policy, each of the three major components in the delivery or retirement income—employer-sponsored pension plans, social security, and individual savings and investment—will be hard pressed to meet the retirement income needs of our Nation's working men and women.

The expansion of private pension coverage and benefit levels has been stayed for the moment, due to uncontrolled inflation, slower economic growth, and to a lesser extent, the effects of ERISA, the Employee Retirement Income Security Act of 1974.

The demographics of the future cast doubt on health of the social security system. It is difficult to foresee how current levels of support can be maintained, yet far too many workers already depend on social security benefits as their sole source of retirement earnings.

On the other hand, individual incentives for personal retirement savings and investment are not emphasized enough. New inducements will be necessary to encourage individual retirement initiatives, particularly during this era of shrinking disposable income, when this aspect of retirement planning is the first to be dismissed.

The Retirement Income Incentives and Administrative Simplification Act of 1981 sets forth the necessary blueprint for building on the strengths and correcting the weaknesses of our present system of providing retirement income. By preserving our private pension system and strengthening it through tax incentives and other means, the bill sets the stage for expanded capital formation and increased productivity in the 1980's and beyond which will lead to greater retirement income security for all of America's workers and their families.

Title I of the bill establishes the Employee Benefit Administration (EBA), a single independent agency to consolidate Federal regulation with respect to employee pension and welfare benefit plans. The EBA is charged to carry out a newly stated national policy under ERISA to: First, encourage the establishment and growth of employee benefit plans; and second, encourage savings to meet the needs of employees and their families in the event of death, disability, or retirement.

Title II permits Federal income tax deductions for employees who supplement their employer-sponsored pension with individual contributions to their plan or an individual retirement account (IRA). Experience in Canada under a similar provision suggests that nearly one-third of individuals earning $15,000 or more will expand their retirement savings when this provision of the bill is fully effective.

Title III clarifies, corrects, and simplifies current ERISA provisions in order to eliminate unnecessary plan expense and paperwork and to remove existing obstacles to orderly growth and plan formation.

Title IV amends the Internal Revenue Code to conform it with title III and to solve problems certain employees and plans have experienced with respect to lump-sum distributions, rollovers, and tax qualification. The contribution limits to H.R. 10 self-employed plans are doubled. The policy to allow plans to coordinate benefits with social security is updated and simplified.

Title V provides for voluntary IRA payroll withholding arrangements for employees who are not covered by employer-sponsored pension plans.

Title VI restructures the ERISA title IV single-employer plan termination insurance provisions to end abuses which threaten the continued viability and solvency of the program. While at this time it is not considered necessary for the Congress to statutorily alter accounting standards applicable to pension plans, the provisions under title VI changing the insurable event from plan termination to employer liquidation should render moot the current discussion in pension accounting circles as to any need for pension fund liabilities to appear as an item on the balance sheet of sponsoring employers.

In summary, our bill creates a new retirement policy framework in which income security will be enhanced through increased retirement savings and pension plan formation. We appeal to our colleagues in the Congress, and President Reagan as well, to set a new course responsive to the retirement needs of our Nation's workers and their families by quickly enacting the Retirement Income Incentives and Administrative Simplification Act of 1981.

A detailed summary of the bill's provisions follows:

SUMMARY OF H.R. 4330

TITLE I—EMPLOYEE BENEFIT ADMINISTRATION

The key to the successful implementation of a rational retirement income policy is the consolidation of Federal pension regulation under a single agency to be known as the Employee Benefit Administration (EBA). If the principal objective of ERISA, namely assuring that workers receive entitled benefits, is to be fully realized, a single agency must administer the law. Evidence shows that the unnecessary expense, confusion, and delay under ERISA's multiple administration have in the past caused an alarming number of employers to terminate existing employee benefit plans or refrain from establishing new ones. In this respect, multiple administration has thwarted the principal intent of ERISA.

During the development of ERISA, four legislative committees agreed, after considerable effort, to a complex arrangement by which agencies and departments would administer various parts of the law. Regulatory responsibilities in the areas of reporting, disclosure, vesting, funding, and plan termination insurance were divided among the Department of Labor, the Internal Revenue Service, including the Treasury Department, and the Pension Benefit Guaranty Corporation. Although a good faith effort was made to set forth the exact boundaries of each agency's responsibilities, many of us who were most closely involved in ERISA's development expected problems to arise.

After nearly 7 years of ERISA oversight experience, it is quite clear that this administrative design has not worked. ERISA has been repeatedly included in a list of Government programs known for excessive bureaucracy. It earned this reputation through well-documented examples of duplication and waste, confusion and delay, complexity and lack of inter- and intra-agency coordination. Each of ERISA's three administrative agencies has pursued its own individual and distinct policy, leaving ERISA without a consistent policy of its own.

The bill would correct these shortcomings by consolidating all of ERISA's functions under the Employee Benefit Administration whose charter would be "to foster the orderly growth and maintenance of employee benefit plans."

The EBA would be headed by a full-time three-member Board of Directors consisting of a liaison officer from both the Labor and Treasury Departments and the Executive Director of the EBA who would serve as Chairman. The PBGC would retain its present corporate character within the EBA with the membership of the EBA and the PBGC Board of Directors being identical—to prevent any future conflict in EBA and PBGC policies or operations.

By also serving as the Executive Director, the EBA Chairman of the Board would be able to implement the policies set by the Board both efficiently and expeditiously.

The representation on the Board of the Department of Labor and of the Treasury by their liaison officers provides assurance that pertinent labor law and tax law policies will be given due consideration.

The ERISA functions of the Secretaries of Labor and the Treasury would be trans-

ferred to the EBA, as would the functions of all other agencies and departments relating to employee benefit plans, subject to the discretion of the President. All regulations and rulings previously issued by the Treasury, IRS, DOL, and the PBGC would remain in effect. Any other federal agency or department issuing regulations affecting employee benefit plans would be required to consult with the EBA to avoid duplication and inconsistency.

The functions and duties of the Secretary of the Treasury transferred are those under titles I, II, and IV or ERISA; and those under Internal Revenue Code sections 401, 406 (a) and (b), 407 (a) and (b), 410, 411, 412, 413, 414, 415, 418, 418A, 418B, 418C, 418D, 418E, 4971, 4975, 6057, 6058, 6059, 6690, 6692, and 7476; and those under other provisions of the Internal Revenue Code—for example sections 219, 220, 404, et cetera—which relate to the formulation of retirement income policy or to plan qualification and disqualification.

The enforcement functions under both title I and title II of ERISA would be transferred to the EBA. As a result, the enforcement remedies under title II—for example, plan disqualification, excise taxes and other penalties—would be exercised solely by the EBA in a coordinated fashion with the other civil remedies under title I of ERISA. The conflicting or duplicative enforcement activities under present law would be eliminated. Importantly, in order to better protect participants, any action by the EBA leading to the disqualification of a plan would be taken as a last resort only after all other remedies authorized under ERISA or the Internal Revenue Code have been exhausted.

Such officers and employees would be transferred to the EBA as may be necessary to maintain and improve administration of the functions transferred and to assure a competent and qualified field force. In order that the present level of effort and expertise not be diminished, the President is directed to transfer officers and employees in the national and field offices of the Department of Labor and the Department of the Treasury—including the Internal Revenue Service—as may be necessary to accomplish this purpose. The President and the Board are granted the authority needed to accomplish the reorganization without causing disruption to the present level of effort or to employee's careers.

The existing Advisory Council on Employee Welfare and Benefit Plans would be transferred to advise the administration. As the terms of existing members expire, the President would appoint new members to the Council.

The Joint Board for the Enrollment of Actuaries would become the Actuary Enrollment Board, an entity under the jurisdiction of the EBA.

The EBA would be established not later than 2 years after the date of enactment, although the President could delay the transfer of any function which may be necessary to provide for a smooth transition.

The EBA will provide the necessary framework to deal, in a timely fashion, with emerging pension issues.

The creation of the EBA will finally give proper recognition to the vast significance of this Nation's 1.8 million private pension and welfare plans and their 70 million-plus participants.

TITLE II—DEDUCTIONS FOR RETIREMENT SAVINGS

Currently, individuals who are active participants in a retirement plan cannot establish an individual retirement account and cannot receive a tax deduction for their own plan contributions whether such contributions are voluntary or mandatory.

By providing tax deductions to plan participants for their own contributions, the bill will solve several problems which have manifested themselves under the current law. When an employee already participating in a plan desires to establish an IRA but is precluded from doing so, pressure is created for the employee to withdraw from the plan. On a collective scale, this pressure could jeopardize the plan's qualified tax status. The bill will eliminate the current pressure for employees to withdraw from plans.

The current law prohibiting participants from setting up an IRA works as a particular hardship on mobile employees such as engineers. Under the bill, employees who participate in the plan but terminate before they are vested would not receive any plan benefits, but they would at least have their IRA to fall back on.

Finally, under the bill, those who participate in inadequate plans—for example, profit-sharing arrangements when there is minimal profit—will have the freedom to set up their own IRA's or contribute to their own plans, if permitted, and receive a tax deduction.

The bill will also encourage the establishment of new pension plans in cases where employers were previously reluctant or unable to fund for pensions at a meaningful benefit level.

Both titles II and V of the bill provide new inducements for retirement savings among employee groups currently not covered by any pension plan.

The bill provides these necessary inducements: First, by increasing the deductible limit on contribution to individual retirement accounts—IRA's—from $1,500 to $2,000; second, by removing the present 15 percent of earned income limit on IRA's in order to simplify IRA administration and to induce low wage earners to save more; third, by permitting a deduction within the $2,000 limit for voluntary or mandatory contributions to employer-sponsored pension and savings plans; fourth, by permitting all employees to split their contributions in order to pay up to $1,000 into an IRA for their spouse regardless of spousal earnings; and fifth, by removing the age 70½ restriction on contributions to IRA's and raising from 70½ to 75 the age at which distributions must commence.

The bill also equalizes the tax treatment of retirement contributions for private and public employees. Public employees covered under social security and paying the FICA tax could deduct up to $2,000 in contributions to their pension plan or IRA. Public employees not covered under social security would have the $2,000 deductible limit reduced by the amount of the FICA tax they would have had to pay if they had been covered under social security. Besides creating tax equity, a side benefit of this provision will accrue to the ailing social security trust funds. Groups of public employees in plans already covered under social security will in the future be less likely to pull out from under social security, since it would mean the loss of significant tax benefits to individual participants. This would halt the recent hemorrhaging of social security revenues due to the loss of taxes from public employee groups who have voluntarily withdrawn from the system.

The bill gives the Secretary of the Treasury authority to issue regulations concerning the filing of simplified reports in connection with this new deduction.

Conforming estate and gift tax amendments are also made by the bill.

TITLE III—ERISA CORRECTIONS, CLARIFICATION, AND SIMPLIFICATION

After nearly 7 years of congressional oversight of the Employee Retirement Income Security Act of 1974, it is high time for the Congress to make the necessary corrections to the law where shortcomings persist despite the best efforts of the agencies to make such corrections administratively. The establishment of the employee benefit administration under title I of the bill will automatically correct many of the severe and more vexing problems related to multiple agency administration.

ERISA's burdensome reporting requirements and bureaucratic redtape have frustrated the operations of existing plans and discouraged the establishment of new ones. A number of revisions can be made without adversely affecting participant protections, but which will make ERISA a more reasonable law and one that strengthens the private pension system.

Subtitle A—Amendments to definitions

The bill exempts certain severance pay and supplemental retirement income arrangements from the provisions of ERISA relating to pension plans. In many cases, employers have ceased their pre-ERISA practices of supplementing retiree pensions through ad hoc payments made only from the employer's general assets. The bill removes disincentives for employers to make such payments by exempting such practices from ERISA's pension plan requirements. The exemption contains a safe harbor rule for certain arrangements where the supplementary payments are limited to no more than the increase in the Consumer Price Index. The Secretary of Labor may define the parameters of other arrangements to be exempted. This provision modifies a similar provision in existing law which up to this point has been interpreted in an unnecessarily restrictive manner.

The definition of normal retirement age is clarified to permit benefit payments to commence at the beginning of calendar months.

The ERISA title I definitions of "governmental plan" and "party in interest" are amended to conform with such definitions under the Internal Revenue Code. A technical omission in the definition of "relative" is corrected.

Subtitle B—Reporting and disclosure

The bill eliminates the EBS-1 plan description requirement, since the Employee Benefit Administration will have available all necessary plan information through the filing of the plan qualification documents, the annual report form, and the summary plan description.

The bill eliminates unnecessary plan costs related to duplicative work in which accountants and actuaries may now be engaged with respect to plan reporting. The definition concerning the opinions of actuaries and accountants is changed so that the language reads that they "shall" rely on one another's opinions instead of that they "may."

The bill cuts down on unnecessary auditing of the assets and liabilities of common

or collective trusts, separate accounts or separate trusts of financial institutions such as banks or insurance companies which are regulated and subject to periodic examinations by State or Federal agencies. Participants, of course, receive greater protection from a full audit which covers assets in such pooled trusts or accounts, but the cost of doing such an audit cannot be justified where the institution is already subject to periodic examination by a governmental agency.

The bill eliminates unnecessary costs connected with the annual reporting regulations for plans having "master trusts." The amendment provides for adequate reporting of plan financial information, but more appropriately with respect to all assets of the master trust.

The bill recognizes the action taken by the Department of Labor to revise schedule B of the annual report and, thus, eliminates section 103(d)(6) from the law—the requirements of which have been permanently waived by the Department.

The bill provides that simplified annual reporting apply to plans covering less than 100 active participants—that is employees. This modifies the current 100 "participant" rule whereby small plans can become subject to large plan reporting requirements merely through their continued operation over time.

A recent GAO study questions the cost-effectiveness of the requirement that the summary plan description be filed with the Department of Labor. The bill provides that an updated SPD be filed and furnished every 10 years rather than every 5 years as presently required. The lengthening of the filing period will enable the Employee Benefit Administration to determine whether the limited use justifies the costs of filing incurred by both plans and the Government.

The bill modifies the following requirement which has been determined not to be cost-justified. The summary annual report, which must be distributed to pension plan participants each year and which must disclose, among other things, the plan's assets and liabilities as well as its annual receipts and disbursements, is no longer required to be furnished individually. However, a summary annual report containing more meaningful information would have to be posted at employee worksites or published in company or union newsletters. Participants who are interested in the fiscal condition of their plans can request a copy of the full annual report which must be provided by the administrator. To assure that this report is practically available, the bill provides that an administrator can charge no more than $10 for a copy of the full annual report. The bill also makes the revised provision inapplicable to welfare plans.

The notice to interested parties currently required under ERISA section 3001 and section 7476 of the Internal Revenue Code is simplified to require posting (or alternative means of publication under regulation) and notification of collective bargaining agents within 60 days before and 15 days after the request for a determination is filed.

Under the bill, if an employee is interested in the amount of his own accrued benefit or account balance, he can request such information from the administrator who, under newly combined ERISA sections 105 and 209, must provide such information. Upon the separation from service and incurrence of a 1-year break in service by an employee, a plan administrator will be required to automatically disclose to the former participant his accrued benefit only if the benefit is vested. There is little point in requiring an administrator to bear the cost of notifying a former employee that he has no vested benefit. It is intended, however, that such an employee will have the right to request information on his accrued benefit, whether vested or not, before the occurrence of a 1-year break in service.

The bill seeks to preserve individual privacy and eliminate the harassment of employers and others connected with plans by requiring that any information provided individuals by the Department of Labor in computer-compatible form (such as tapes) not be utilized for the mass mailing of solicitations for any commercial purpose.

The bill amends section 110 of ERISA to clarify that alternative methods of compliance with the act's reporting requirements may be extended to welfare plans as well as pension plans. Subject to certain safeguards, the reporting of 3 per cent transactions is curtailed, as well as the filing of certain information relating to insured welfare and pension plans which is already filed with other regulatory bodies or available from other sources.

The bill also provides for alternative methods for distributing information to participants in multiemployer plans subject to certain safeguards and regulations.

Subtitle C—Participation and vesting

The bill permits the determination of pension plan eligibility on a plan-year basis, thus reducing plan administrative costs by allowing a single entry date each year to be used for such purposes.

The bill amends the multiemployer suspension of benefit upon reemployment rules. It clarifies that the term "employed" includes self-employment. It also permits the suspension of benefits for persons who have not retired but continue to work on an irregular basis. Finally, it permits the imposition of financial penalties for failure to notify the plan of re-employment.

The bill eliminates unnecessary confusion and administrative expense by clarifying that the employee notification and election requirement (section 203(c)(1)(13)), triggered when vesting schedules are changed, is only applicable to employees who might be adversely affected by the change.

The bill clarified that 125 days of service in any maritime industry shall be equivalent to 1,000 hours of service.

Under the bill, a multiemployer plan will be able to provide that a participant's accrued benefit upon his separation from the service is the sum of different rates of benefit accrual for different periods of participation as defined by one or more fixed calendar dates or by employment in different bargaining units. For purposes of the 3 percent accural method or the fractional method, the accrued benefit may be determined by projecting the normal retirement benefit to which a participant would be entitled if he continued to accrue benefits at the average of the rates applicable to this period of actual participation.

The bill makes several changes with respect to the calculation of optional forms of benefits which will reduce plan legal and other administrative costs. A new paragraph (24) is added to section 401(a) of the Internal Revenue Code to exempt a plan from a current IRS requirement that a plan be amended each time a change is made in the actuarial assumptions used to compute the actuarial equivalence of optional benefit forms (but only if the plan provides that the actuarial assumptions are set forth in a separate document which is made available to plan participants). Also, a plan offering optional benefit forms would not be treated as altering a participant's accrued benefits by reason of a change in the actuarial assumptions used to compute such benefits as long as the plan makes provision for disclosure as described above.

The current ERISA year of service, year of participation, and break-in-service rules relating to seasonal industries have proven to be inexplicable. Neither the Department of Labor nor the Department of the Treasury (which has assumed jurisdiction over such rules under Reorganization Plan No. 4) has been able to make any headway in developing regulations with respect to these provisions. Neither should they attempt to do so given the present unworkability of such provisions. The bill includes the following new definitions with the intent being only to elicit comments as to their workability and not necessarily to suggest they offer a final solution to the problem. The concepts of "seasonal employee" (one who works less than 1,000 hours in a year) and "seasonal establishment" (one at which employment is limited by regular and recurring climatic conditions directly affecting the ability of the establishment to engage in its normal functions) are introduced, and plans in which a majority of the employees are seasonal employees would be required to use 500 hours, rather than 1,000 hours, for purposes of defining a year of service.

The bill contains several provisions necessary to correct the serious problem of delinquent employer contributions which threatens to undermine the equity and funding of multiemployer plans. Currently such plans are faced with the choice of either "kicking out" long-delinquent employers or curtailing the benefits of employees of delinquent employers. Removal by a plan of a delinquent employer is an unsatisfactory solution since it involves lengthy renegotiations, inordinate subsidies and expenses, and harsh treatment of employees who incur service breaks for purposes of both vesting and benefit accrual. The bill clarifies the circumstances under which a plan may reduce employee benefit accruals (but not service for vesting purposes) proportionate to employer contribution delinquencies, thereby providing plans with an equitable yet effective means of deterring contribution delinquencies. Safeguards require a plan to make diligent efforts to collect delinquent contributions after notice to the employer and employee representatives and to restore employee benefit accruals when such efforts are successful.

The bill clarifies and improves the provisions relating to joint and survivor annuities. Most defined contribution plans have eliminated all optional annuity forms from their plans in order to avoid the current joint and survivor annuity requirements. The bill removes the disincentive for such plans to offer annuity options to their participants by exempting them from the J. & S. requirements (so long as the plan provides for 100 per cent vesting upon death). This provision is in concert with the recent Tax Court holding in *BBS Associates, Inc.* v. *Commissioner* which we endorse. In addition, the bill clarifies that a J. & S. option must be provided to a disability retiree only when the disability begins after the qualified early retirement age. Also, the bill clarifies that a plan need not offer a preretirement survivor annuity option if the preretirement death benefit is automatic and is

at least the actuarial equivalent of the survivor annuity, and the plan allows the participant to elect to have the death benefit paid in the form of a survivor annuity. Also the bill clarifies that the right of a participant to revoke an election of an annuity option is not to extend beyond the later of the participant's annuity starting date, or the date on which the participant first applies for benefits. Finally, the bill clarifies that a person other than the spouse may be designated as beneficiary under a qualified joint and survivor annuity, provided the spouse gives written consent (this provision does not require such written consent for other optional annuity forms which a plan may provide).

Currently, courts are ignoring ERISA's preemption of State law with respect to community property laws and alimony and support decrees. Plans which obey court orders to pay benefits in violation of ERISA's prohibitions against assignment and alienation may be placed in tax jeopardy or found to be in violation of plan provisions. The bill ends this confusion by making the prohibition of benefit assignment and alienation specific in Federal law, with an exemption allowing plans to pay certain benefits pursuant to state court decrees of divorce, annulment, legal separation, or family support. The applicable decree must provide that the payment is required and specify the amount, and that the obligation is the participant's. In addition, the decree could not require a plan to alter its terms of payment. A plan would have to be notified of the court decree to be obligated for future payments. Both the plan and the other party would be required to give certain notification to each other before payments could be made.

The bill would clarify Congressional intent by codifying the existing regulations pertaining to the elapsed time method of determining length of service.

Subtitle D—Funding provisions

The bill clarifies that the amortization (funding) period connected with changes in actuarial methods is the same as the period connected with changes in actuarial assumption.

The alternative funding method is made workable for the well-funded plans using this method by permitting such plans to amortize unfunded past service liabilities over 30 years when the plan switches back to entry-age-normal funding (which usually occurs at the time benefits are increased substantially).

The bill amends the law to require the approval of changes in funding method or plan year only when such changes are made more than once in a 3-year period. This provision eliminates delays and unnecessary plan and governmental costs.

The bill clarifies existing law by specifying that all plan provisions requiring future benefit adjustments must be taken into account for funding purposes (in particular, the actuarial assumptions used in projecting benefits subject to automatic cost-of-living increases would have to conform with the reasonableness and actuary's best estimate tests).

Elsewhere in the bill are additional changes to the funding provisions which will result in greater benefit security by increasing both the maximum contribution limit and the minimum funding standard for single employer plans.

Subtitle E—Fiduciary provisions

In order to make more types of insurance available to plans and to codify the agency's interpretation of ERISA regarding insurance company general accounts, the bill provides with respect to a plan which is funded by a contract, or policy of insurance, including, but not limited to guaranteed benefit policies, that such a plan's assets shall include such contracts or policies, but not the insurer's general account assets.

The bill seeks to simplify and clarify some of the concepts relating to the assignment and allocation of fiduciary duties. Under the bill "named fiduciaries" are to be designated in a plan instrument or pursuant to a procedure in a plan instrument. This will provide certainty as to which plan fiduciaries, jointly or severally, have authority to control and manage the operation and administration of the plan. The bill also makes clear that such named fiduciaries may allocate duties among themselves, may designate others as fiduciaries to carry out specific fiduciary activities, and may direct plan trustees. Plan trustees must be "named fiduciaries" or appointed by a "named fiduciary." Throughout Part 4 the concept of fiduciary "duty" replaces the somewhat cumbersome phrase "responsibility, obligation, or duty" and is intended to encompass the scope of the replaced language.

The bill makes a correction to the exceptions allowed under ERISA's nonreversion provision by clarifying that contributions made by an employer to a plan by a mistake of fact or law may be returned in the case of a collectively bargained plan to which more than one employer contributes (whether such a plan meets the definition of "multiemployer plan" or not). The period for the return of contributions or payments is made uniform under all such exceptions.

The bill modifies the provisions dealing with the general subject of co-fiduciary liability in an attempt to perfect the language consistent with the policy of the Act. Generally the policy of ERISA is to impose fiduciary responsibility for the activities of others in four circumstances:

(1) where the fiduciary is vested with some duty of supervision by the terms of the plan (e.g. section 405(c));

(2) where the fiduciary is a culpable participant in a breach (e.g. section 405(a)(1));

(3) where the fiduciary is guilty of a breach which gives rise to or occasions the breach of another (e.g. section 405(a)(2)); and

(4) where the fiduciary has knowledge of the guilt of another and fails to take action appropriate to the circumstances (e.g. section 405(a)(3)).

The first two circumstances are clearly subject to the sanctions under section 404, and in both cases liability would be imposed under section 409 by operation of section 404. It is intended under the bill that the identical requirements of section 404 carry out the policy as to these two situations. The third circumstance describes not a standard of conduct, but rather, articulates a measure of damages. Like the first two situations the language of ERISA section 405 creates the appearance of a redundancy, in this instance with section 409. The bill eliminates this apparent redundancy, and under section 409, as revised, it is clear that fiduciaries are liable for all losses resulting from their breach. This would be true for those losses they themselves directly occasion as well as those that are causally related to their action. The fourth circumstances is by far the most troublesome to deal with, and the language in section 405 of the ERISA appears not terribly well suited to the policy. The problem arises because the policy in ERISA generally seeks to insure that responsibilities under the Act be directly related to the assumption of duties, and the bill carefully adheres to that policy by requiring that certain persons (named fiduciaries and trustees) assume enumerated duties. These provisions insure that individuals will be responsible for all the activities undertaken by any plan. The dilemma is the extent to which knowledge alone should be relied on to impose responsibility on an individual fiduciary. As it now stands ERISA could be misread to give rise to such a responsibility where a fiduciary has bare knowledge of the acts or events comprising the breach of another. This interpretation is troublesome as it does violence to the principle that those on whom a responsibility is to be imposed need be given some prior notice of the dimensions and possible consequences of their obligation. Generally the bill satisfies the requirement of prior notice by associating the assumption of a duty with either a formal designation or the commission of some overt act. Reliance on knowledge alone would raise the very real possibility of a responsibility being imposed on totally unsuspecting individuals. Additionally, if bare knowledge is to be the "trigger," imposing, by itself, responsibility on a person, many have expressed concern that the net of potential liability will extend well beyond the group that any equitable policy would seek to hold accountable. Certainly, more than bare knowledge of events was intended to be a prerequisite to imposing responsibility under ERISA section 405. Most probably two additional elements were intended, knowledge that a breach has occurred and some incident of the existing fiduciary relationship which gives rise to a duty to act. Unfortunately the language of ERISA is at best uncertain on this point. It is our intention to explore this issue by means of the hearing process in order to reach a clear statutory statement of fiduciary responsibility in this circumstance.

From the time of ERISA's enactment the law has been characterized in numerous press accounts as being excessively burdensome. The oversight record shows that witnesses have directed their most critical comments to the prohibited transaction provision under section 406(a).

The point of their comments is that the scope of the 406(a) prohibitions, insofar as they affect the conduct of parties in interest who are not fiduciaries, is overly broad in relation to the Act's policy objectives. They have not suggested, nor would we consider, changes to the provisions to section 406(b) prohibiting fiduciary self-dealing and disloyalty or to the major fiduciary obligations arising under section 404. ERISA section 406(a) embodies a system of prior restraint directed at all dealings between a plan and any person who has a prior relationship with the plan. The theory on which it is based has, on occasion, been described as the prophylactic inter-position of the public interest in transactions which involve a high risk of abuse. Proponents argue that the probability that parties in interest will influence plan decisions to their own benefit compels the prohibition, subject to an exemption being granted under section 408. In their view, any person with a prior relationship to the plan, is vested with the potential to exercise undue influence over their subsequent dealings with the plan. This viewpoint and the provisions of section 406 have some interesting parallels in the treatment of tax exempt foundations in the 1969 amendments to the Internal Revenue Code.

In that situation dealings between a foundation and certain disqualified persons were prohibited. The thrust of those provisions was to prevent the use of tax exempt charitable funds to further the economic interests of donors, their families, or the managers of foundations. The purpose of that legislation was limited to establishing conditions for tax exemption and the main regulatory effort was left to state law. The use of prior restraint in the context of foundations, because of their few numbers and their non-commercial nature proved to be a relatively workable standard, for the limited purpose of tax qualification. Unfortunately, the parallel does not extend to the effect of section 406(a) on the day-to-day operations of an employee benefit plan. The ERISA hearing record is replete with examples of transactions involving non-fiduciary parties-in-interest being prohibited to no purpose. Based on these examples it is clear that in most employee benefit plans of any size even the most routine transaction can run afoul of section 406(a). Further the breadth of the prohibited group and the difficulty in identifying all parties-in-interest make it problematical whether any fiduciary in an employee benefit plan can really be certain he is not participating in a transaction violating section 406(a). There is a strong suspicion that the practical impediments to complying with the section and the absurdity its application in some cases, may have led many otherwise honest fiduciaries to consciously disregard its requirements. Much has been made of the exemption process and its availability to provide flexibility in the impact of the section. However, few if any past witnesses have expressed any degree of satisfaction in the practical effects of the exemption process. The process has proven to be slow, cumbersome and not surprisingly, bureaucratic. These broad prohibitions, when applied to the commercial transactions which are the lifeblood of any employee benefit plan, impose an enormous burden on these plans. That burden is not mitigated by the exemption process, nor is it offset by any benefit derived from avoiding transactions with non-fiduciary parties-in-interest. Therefore, the bill replaces the draconian standards under 406(a) with the more workable standards originally adopted by the House of Representatives when the House considered the ERISA legislation in 1974. In addition to the general prudence and exclusive benefit requirements under 404, the 406(a) standards require plan transactions with parties-in-interest to meet tests involving adequate consideration, adequate security, and reasonable rates of interest which are not inconsistent with the fiduciary requirements under section 404. Cases involving the more egregious and pervasive violation of ERISA's fiduciary standards transcend mere 406(a) violations, and the bill will provide a more effective enforcement mechanism for dealing with such cases by consolidating all enforcement remedies under ERISA and the Internal Revenue Code within the Employee Benefit Administration.

With respect to the definition of "qualifying employer real property," the bill clarifies that "a substantial number of the parcels must be dispersed geographically" only when three or more parcels are involved. This modifies the current interpretation placed on the definition of qualifying employer real property which has the irrational result that a single parcel of such property cannot qualify because it cannot be dispersed geographically.

Until all enforcement responsibilities can be consolidated under the Employee Benefit Administration, the bill allocates the prohibited transaction enforcement responsibilities relating to pension benefit plans to the Department of Labor which has already been allocated most of the authority to issue exemptions pursuant to the President's Reorganization Plan No. 4. The current 5% and 100% excise tax penalties under the Internal Revenue Code are replaced by discretionary 5% and 100% civil penalties under section 502(i) of ERISA.

As stated earlier, the prohibited transaction provisions under ERISA have been roundly criticized as being excessively burdensome. This has led to the perception that ERISA is an extremely oppressive law and one from which employers, who would otherwise set up a plan for their employees, should steer clear. The failure of the Department of Labor to provide class exemptions for transactions beneficial to plans and important to the expansion of plans, particularly in the small plan area, has greatly hampered the growth in coverage under private pension plans. In order to eliminate present barriers to plan expansion and to spur capital formation, the bill provides a statutory class exemption for loans and leases made by a defined contribution plan to the major employer establishing and maintaining the plan. In addition to the prudence, diversification, and other fiduciary requirements under section 404, such transactions would have to meet specified tests requiring adequate security, and adequate consideration and rates of interest not less than that which would be obtained in an arm's length transaction with an unrelated third party. Under the exemption, such transactions could not total more than 50% of plan assets. The provision is limited in order to target new plans which are principally defined contribution plans for small employers.

The bill clarifies that not only plan fiduciaries but also parties-in-interest may receive plan benefits they are due or reasonable compensation for services they may render to the plan. This provision eliminates any unintentional construction that plan participants, because they are included in the definition of party-in-interest, cannot be paid their benefits without causing the plan to violate the prohibited transaction rules under section 406.

The bill makes a correction to section 408(d) of ERISA which inadvertently makes the exemption procedure relating to prohibited transactions currently unavailable to persons who are "owner-employees."

The bill provides that, for purposes of sections 406 and 407, the assets of a plan shall not include assets in a pooled separate account of an insurer or assets in a collective investment fund of a bank or similar financial institution supervised by the United States or a State. This provision is directed at the unworkability of the prohibited transaction provisions as they relate to institutional investment managers and should lead to reduced employee benefit plan costs. The present statutory framework of prohibiting large blocks of transactions without qualification, including many that constitute long-standing normal business practices, and leaving exceptions to the time-consuming administrative exemption procedure, is an example of clear overregulation for institutional investment manages which are subject to strict regulation by State or Federal agencies.

In a related provision, the bill eases the policing of the 10% limitation under section 407(a) by allowing separate accounts on insurers and common or collective trusts to enter into written understandings with plans that the aggregate fair market value of employer securities and real property will not exceed 10% of the fair market value of the assets of the separate account or trust.

The bill provides clarification (consonant with currently applicable regulations) that ERISA's ban on plan exculpatory provisons is not intended to prevent indemnification of fiduciaries by parties related to the plan. The bill also makes it clear that among the various indemnification practices permitted under ERISA, a multiemployer plan may in certain situations pay the cost of defending plan trustees and may indemnify them subject to a determination that the trustees acted in good faith. The intent is to better enable plans to retain competent trustees by permitting honest fiduciaries to carry out their responsiblities without fear of personal liability for the large potential costs of defending challenges to plan decisions. The provison will also minimize the dependency of plans on costly insurance thus creating cost savings which will insure to the benefit of plan participants.

Subtitle F—Amendments to ERISA title I, part 5

The bill corrects an omission made under sections 515 and 502(g)(2) in connection with the collection of delinquent employer contributions under multiemployer pension plans. First, an express statute of limitations, consistent with the statute of limitations applicable to other provisions under ERISA, is made applicable to section 515. Also, the amendment makes clear that actions to collect delinquent contributions may be brought in state courts as well as Federal courts.

To improve administration, the bill provides that amounts collected by the Department of Labor from persons requesting information are to inure to the Department.

In order to assure small plan sponsors of an adequate voice on the Advisory Council on Employee Welfare and Pension Benefit Plans, the bill requires that at least one member of the Council shall be representative of employers maintaining small plans.

The Department of Labor and the Department of the Treasury have been totally unresponsive to repeated requests by the Congress for information currently reported by plans to the Departments. The bill requires the Secretary of Labor to publish a report at least annually showing the number of plans and plan participants, plan assets, and other plan information by type and size of plan. This report is to be prepared based on existing information already filed with the Departments and requires no additional reporting by plans.

Increasingly the courts are challenging the preemption language under ERISA section 514. The bill affirms the broad Federal preemption of State laws as was the original intent of ERISA. First, the bill provides that a State insurance law which requires that a specific benefit be provided or made available by a contract or policy of insurance issued to an employee benefit plan is preempted and is not saved under the existing insurance exception. The proposal is intended to overrule the decision in Wadsworth against Whaland in which the first circuit held that ERISA did not preempt a State insurance statute requiring insurers to provide coverage in group health insurance policies for treatment of certain illnesses and disorders. If left uncorrected, Wads-

worth would permit indirect State regulation of employee benefit plans and would encourage plans to avoid such regulation through self-insurance. Two exceptions to this general rule are expressly permitted under the bill. The first allows States to require "conversion" features in contracts and policies of insurance, and the second allows the States to require so-called "freedom of choice" provisions in such contracts and policies.

In addition, the bill amends the preemption section to make it a matter of Federal law that benefits provided under an ERISA-covered pension plan may not be assigned or alienated. The purpose of the one exception to this rule is to reserve for the states their traditional control over marital and family matters and to aid plan administrators who are faced with the conflicting duties of obeying State court decrees to pay benefits to plan participants' former spouses and also of complying with the existing antialienation rule under penalty of plan disqualification. The particulars of this exception are contained in the amendment to the antiassignment and alienation provision described earlier under subtitle C.

The bill also clarifies the original intent of Congress in passing ERISA by restating in a positive fashion the areas of State and Federal securities law which are inapplicable in connection with an employee's interest in an employee benefit plan. Firstly, a participant's interest in an employee benefit plan covered under ERISA is not to be considered a security, or similar right, for purposes of the Acts administered by the Securities and Exchange Commission. Secondly, ERISA preempts any provision of State law which defines or treats such a participant's interest in an employee benefit plan as a security or similar right. These provisions underscore the understanding of the Congress at the time of ERISA's passage as to the applicability of the securities laws as stated as follows in the Interim Report of Activities of Private Welfare and Pension Plan Study (Senate Report No. 127, 93d Congress, 1st Session. 4(1973)):

"Pension and profit-sharing plans are exempt from coverage under the Securities Act of 1933 . . ., unless the plan is a voluntary contributory pension plan and invests in the securities of the employer company an amount greater than that paid into the plan by the employer. A voluntary contributory plan is one to which both the employee and employer contribute and in which employees voluntarily participate. If the plan's investment in the employer's securites exceeds the employer's contribution, both the employer's securities and the interest in the plan must be registered under the Securities Act with the SEC."

In *International Brotherhood of Teamsters* v. *Daniel* the Supreme Court stated that the enactment of ERISA "undercuts all arguments for extending the Securities Act to non-contributory, compulsory pension plans." In *Newkirk* v. *General Electric Company* the District Court for the Northern District of California stated that "the rationale behind the *Daniel* holding is applicable also to a contributory, non-compulsory pension plan." In *Tannugi* v. *Grolier, Inc.* the District Court for the Southern District of New York found that even an employee's interest in a voluntary contributory pension plan could not be a security interest demanding and deserving protection under the 1933 and 1934 Securities Acts. We agree with the interpretation by the several courts with respect to the issues presented. The bill merely reemphasizes and clarifies these court decisions as a correct interpretation of Congressional intent.

Subtitle G—Miscellaneous

The bill makes numerous corrections of typographical, grammatical, and other technical errors in ERISA. The bill also provides for the consolidation of the PBGC-1 annual premium payment form with the 5500 annual report form.

Subtitle H—Recommendations by the agencies

Consonant with the policy of the bill to simplify ERISA and to reduce complexity and unnecessary paperwork, the Secretary of Labor and the Secretary of the Treasury are directed to make a joint recommendation as to how ERISA report requirements may be changed to take into account the different types and sizes of plans. For example, administrators of welfare plans should not have to struggle with the more complex instructions and requirements pertaining to pension plans. This provision of the bill also states that no regulation or form relating to cyclical reporting requirements for small plans shall become effective prior to the implementation of this section of the bill.

To encourage the growth of pension plan sponsorship, the bill makes provision for the eventual establishment of special master and prototype pension plans. Within one year after the date of enactment, the Secretary of Labor and the Secretary of the Treasury are to jointly recommend legislation to enable certain institutions, such as banks, savings, and loan associations, and insurance companies, to develop special master and prototype plans for adoption of employers. It is anticipated that many employers who would otherwise be reluctant to establish plans will do so when the sponsoring institution assumes the major administrative and fiduciary burdens under such special plans.

TITLE IV—INTERNAL REVENUE CODE AMENDMENTS

Subtitle A of title IV of the bill conforms the Internal Revenue Code of 1954 to the amendments made to ERISA under title III. Subtitle B contains the following substantive amendments.

Code section 402 is amended to clarify that employee participation in predecessor plans or other plans of related employers is to be counted toward the eligibility requirement for lump sum distribution treatment.

Under the Internal Revenue Code certain defined contribution plans and defined benefit plans of an employer are treated separately for purposes of determining whether an employee has received a "lump sum distribution." However, the code does not contain similar rules for multiemployer plans and plans established by tax-exempt organizations. The bill provides that in the case of multiemployer plans and plans maintained by organizations described in section 501(c)(3) (relating to charitable and educational organizations) or section 501(c)(5) (relating to labor, etc. organizations) separate treatment with respect to defined benefit and defined contribution plans will also apply. Thus, the bill makes clear that plans established by these organizations can be classified as defined benefit and defined contribution plans and that separate distribution from the plans can receive lump sum distribution treatment. With respect to all other employers, all defined benefit, all money purchase, all profitsharing, and all stock bonus plans are to be treated separately for purposes of the lump sum distribution rules.

Because multiemployer plans provide portability of pension credits among the various employers maintaining the plans, and because such plans exist in industries where changes of employment are frequent, difficulty has arisen in some cases in determining when a "separation from the service" occurs in the context of a multiemployer plan for purposes of determining qualification for favored tax treatment of certain lump sum distributions under section 402(e) of the Internal Revenue Code. In order to resolve this issue, the amendment to section 402(e)(4) made by the bill specifies that a separation from service shall be deemed to have occurred in the case of a multiemployer plan if any employee has not worked for a period of 6 consecutive months.

In order to make target benefit plans more attractive in terms of providing past service benefits for older workers, the bill requires new target benefit plans (and allows current plans to elect) to meet the defined benefit rather than the defined contribution limitations of Internal Revenue Code (IRC) section 415.

Currently, employee contributions to a qualified private or public employee pension plan are not deductible and, therefore, upon withdrawal from a plan cannot be rolled over into an individual retirement account (IRA) to accumulate additional tax-deferred earnings. In order to enhance the portability of employee contributions, the bill allows lump sum employee contributions to be rolled over into an IRA and to be rolled over from an IRA back into a qualified pension plan.

Under section 514 of the Internal Revenue Code, the otherwise tax-free income of a tax-exempt organization, including a pension trust, may be subjected to income tax to the extent that it constitutes so-called "unrelated debt financed income." Thus, a pension trust which borrows against the security of its assets, including insurance policies, may find that a portion of the income which is generated for the sole purpose of providing retirement benefits is burdened with income taxes which reduce the amount of trust assets that are ultimately available for retirement benefits. Therefore, the bill amends the term "acquisition indebtedness" under IRC section 514 so as not to include indebtedness incurred by a qualified trust to an insurer to the extent the indebtedness is secured by a contract for life insurance with such insurer.

In order that employees working beyond normal retirement age not be unfairly penalized, the bill clarifies the application of the defined benefit plan limitations under IRC section 415(b)(1)(B) as an amount not less than the actuarial equivalent of the amount which would have been determined if the retirement income benefit had begun at normal retirement age.

Since the passage of ERISA, the minimum funding standards under the Act have in many instances proved inadequate to restrain unfunded liabilities from escalating to unsupportable levels. The legislation passed last year improved funding levels somewhat in connection with multiemployer pension plans. Under title IV of the bill, the funding requirements for single-employer plans are also strengthened to reduce the risk and exposure to the PBGC. In order to retain current levels of funding flexibility and to encourage faster funding, the bill amends IRC section 404 to allow past service liabilities to be amortized over 5 years (a

reduction from the current 10-year limitation).

The current limitations on contributions to H.R. 10 plans has created a flood by self-employed persons and partnerships to incorporate in order to be treated in a less disparate fashion in connection with such pension contributions. In order to eliminate some of the disparity in tax treatment, the bill increases from $7,500 to $15,000 the maximum contribution on the first $100,000 of income under H.R. 10 plans. The accruals under defined benefit plans for the self-employed are also increased proportionately.

The bill contains a provision to clarify Congressional intent in connection with the nondiscrimination rules under IRC section 411(d)(1). The substance of the provision is contained in H.R. 2775, a bill co-sponsored by Reps. Frenzel, Erlenborn, Holland, Perkins, and Ashbrook. The bill codifies as "safe harbors" the "present values" and "cross-section" tests contained in the June 12, 1980, revision to the proposed Treasury regulations under section 411(d). The bill also codifies the result intended by the ERISA conferees that "4/40" vesting be a "safe harbor" except in the event there is found to be a "pattern of abuse" under a plan.

A key element in the development of a rational retirement income policy is a degree to which qualified pension plans can "integrate" or coordinate pension benefits with Social Security and other Federal and State retirement benefits. The current integration rules spelled out in Rev. Rul. 71-446 were issued over a decade ago by the Internal Revenue Service. The rules are complex and out of date, and were originally developed using an esoteric formulation related to the "cost" of Social Security benefits. The bill introduces a conceptual framework intended to spur a discussion which will lead to the issuance of new integration regulations which are less complex and more relevant to present circumstances. The basic tenets of the amendment to IRC section 401(a)(5) are as follows: (1) each benefit type under a plan (retirement, disability, and survivor's) is tested separately to determine if it meets the integration rule; (2) a defined benefit offset plan is used to describe the basic integration rule while other plans with other forms of integration formulas must conform to similar principles; (3) the general rule states that a plan is not to be considered discriminatory if it meets the "minimum combined-benefit rule" and the "benefit-compensation ratio" for lower-compensated participants is not less than the "benefit-compensation ratio" for higher-compensated participants; (4) the "benefit-compensation ratio" is defined as the ratio of (A) the sum of the participant's plan benefit and the applicable Federal and State benefits which are offset (e.g. Social Security) to (B) the participant's compensation; (5) the "minimum combined-benefit rule" requires that a properly integrated plan provide combined pension plan and Federal and State benefits equal to at least 50% of 5-year average compensation for each participant earning less than the average annual wage covered under Social Security (the 50% is adjusted for persons who are under age 65 with less than 40 years of service); (6) in addition or as an alternative, a plan may be integrated by "capping" pension benefits so that in combination with Social Security (or other applicable Federal and State benefits) the combined benefits are not less than 80% of the participant's average annual compensation. The concept of integration is fundamental to the continued growth of the private pension system. We are confident that the above principles can be fine-tuned to form the basis for a reasonable and responsive national pension policy.

TITLE V—INDIVIDUAL RETIREMENT PAYROLL DEDUCTION ARRANGEMENTS FOR EMPLOYEES NOT COVERED BY PENSION PLANS

This title of the bill focuses on individual retirement incentives for employees who do not participate in employer-sponsored plans. In this case, employees would be allowed to participate in an IRA through a payroll withholding mechanism.

All employees not currently or ultimately eligible to be covered under a pension plan would be eligible for IRA withholding. Employers would not have to withhold unless 10 percent or more of the employees sign up to payroll withholding. Once the withholding began, employers would be obligated to forward individual contributions to one or more IRA sponsors of the employer's choosing.

IRA withholding would not be required of all employers. Employers who have not been in business for 5 years and small employers (those having fewer than 20 employees) are encouraged but not required to withhold.

IRA withholding will provide a viable mechanism for individual retirement savings within the workplace to employees who currently lack such a device. Even though the same incentives are currently available under the conventional IRA, voluntary withholding will provide many employees with the discipline to save which they now lack on their own.

To assist employees, the amount withheld under an arrangement established pursuant to title V would be shown on the employee's W-2 wage form. The Employee Benefit Administration established under title I will administer the provisions of title V.

TITLE VI—SINGLE-EMPLOYER TERMINATION INSURANCE AMENDMENTS

In 1979 the Pension Benefit Guaranty Corporation (PBGC) reported to the Congress that the Contingent Employer Liability Insurance (CELI) program under ERISA section 4023 was unworkable, and as a result this provision was repealed by the Multiemployer Pension Plan Amendments Act of 1980. While recommending the repeal of CELI, the PBGC also reported on the weaknesses of the termination insurance program relating to single-employer plans and suggested several fundamental changes.

A principle recommended by the PBGC which was generally supported by an outside panel of experts would require employers to continue funding vested benefits after plan termination. A consensus was also reached that the insurable event under title IV should be changed from plan termination to the insolvency of the employer sponsoring the plan. Recent events have further demonstrated the need to restructure the single-employer termination insurance program along the lines of the PBGC recommendations; and title VI of the bill is intended to implement the suggested changes.

Swift enactment of the bill is imperative in order to protect the financial stability of the single-employer insurance program from potentially devastating losses which are actually encouraged under present law. Currently, employers, even those who continue in business and are not necessarily in any particular financial difficulty, can terminate their pension plans and limit their liability to 30 percent of their then current net worth with the PBGC premium payers picking up the excess liability. In some cases, such employers have terminated their plans and immediately set up new plans paying identical benefits with the exception of an offset for the benefits payable by the PBGC under the terminated plan. Warnings about the termination insurance program were sounded in 1974 before ERISA was enacted, and now they have come to fruition.

In addition, present law allows a controlled group of corporations to "spin-off" a subsidiary and its related pension liabilities, thus removing the controlled group from the reach of the PBGC in the event the subsidiary terminates its plan. In other cases, the liability to the PBGC can be increased dramatically when a company sells its assets and transfers its pension liabilities to a buyer which is financially weaker than the seller.

The potential exposure to the single-employer program of the "abuses" described above has been estimated by the PBGC to be, at a minimum, over $6 billion. Given the shortcomings of present law, the policy of title VI of the bill states that it is therefore desirable:

(1) to modify the current funding and termination insurance provisions relating to single-employer pension plans in order to increase the likelihood of protecting plan participants against the loss of nonforfeitable benefits; and

(2) to modify the termination insurance program for single-employer pension plans by changing the insurable event from the time of plan termination to the time of the liquidation of the plan sponsor in order to place primary emphasis on plan continuation and contain program costs within reasonable limits.

Insurable Event

Under the bill, the insurable event triggering PBGC benefit guarantees is changed from plan termination to the time, as determined by the PBGC, of the liquidation or partial liquidation of the contributing sponsor of the plan. The PBGC is authorized to restore part or all of a plan to the contributing sponsor when circumstances warrant, and by this means may insure only part of a plan in the event an employer is only partially liquidated.

A plan is defined to be "terminated" as a result of (1) the adoption of a plan amendment providing that participants receive no service credit (for any purpose) after the termination date; (2) the plan becoming a defined contribution plan; (3) the withdrawal of all employers from a multiple-employer plan; or (4) the occurrence of an insurable event. Upon plan termination in the first two circumstances, the obligation of the employer is not to the PBGC but is to continue to fund over a period of 15 years any unfunded vested liabilities under the plan. This provides significant relief to employers who under present law must pay over to the PBGC in a lump sum the amount of any unfunded liability for guaranteed-vested benefits under the terminated plan.

Benefit Guarantees and Premiums

The bill makes no changes in the current levels of benefit guarantees or premiums related to single-employer plans, but does change the procedure for making future changes in guarantees and premiums consistent with the procedure applicable to multiemployer pension plans.

In order to encourage the establishment and continuation of small plans, an exemp-

tion from the premium requirement, but not coverage, is made available for plans having fewer than 35 participants. This will eliminate PBGC reporting and collection costs for nearly two-thirds of existing plans.

Benefit guarantees would be triggered under a plan at the time of an insurable event as defined earlier. However, only those benefits which are nonforfeitable at the time of plan termination would be guaranteed. Also, the phase-in of benefit guarantees would be related to the date of plan termination. Additionally, benefit improvements adopted or effective subsequent to other events, such as a title 11 proceeding or a receivership involving the plan sponsor, will not be guaranteed when such events result in the occurrence of an insurable event.

Employer Obligations

If an insurable event (as defined above) occurs in connection with a single-employer plan, the employer's liability to the PBGC is computed in a similar manner as under present law as an amount equal to the current value of guaranteed plan benefits over the current value of plan assets (net of estimated PBGC administrative expenses and including recoverable unpaid contributions). The employer remains obligated for any unpaid contributions to the plan up to the time an insurable event occurs.

While the bill removes the present law 30 percent of net worth cap on an employer's liability, the claim of the PBGC has been reduced significantly. Under present law the PBGC's claim on employer assets is in the form of a lien, and in the case of bankruptcy or insolvency the lien has a priority status in the same manner as a federal tax lien. Under the bill, PBGC's claim is reduced to that of a general unsecured creditor. The lessening of PBGC's claim to general unsecured creditor status is considered appropriate since (1) the more rapid funding of plans required under the bill will serve to reduce the risk and exposure to the PBGC, and (2) the provision will treat employers under single-employer plans consistently with employers under multiemployer plans (in which case the PBGC is also a general unsecured creditor).

The PBGC's claim arises upon an insurable event or may be triggered earlier at the time of the filing of any petition in connection with a bankruptcy, insolvency, or assignment for the benefit of creditors which subsequently leads to an insurable event. A claim to the PBGC applies to (1) each contributing sponsor of a plan, (2) each member of a control group of which a contributing sponsor was a member at the time the claim arises, and (3) each trade or business which was a member of a control group of which a contributing sponsor was a member within five years prior to the time the claim arises (15 years if membership in the control group was changed for purposes of avoiding liability for plan benefits). The definition of "control group" under the bill means a group of trades or businesses under common control (requiring an interest of 50 percent or more).

To protect the single-employer program against unnecessary loss, the bill also provides that in the event of a change in a plan's contributing sponsor, the prior sponsor (including each trade or business which was a member of a control group of which such prior sponsor was a member within five years of the change) will be held liable to the PBGC if an insurable event occurs within 15 years from the date of the change. The 15-year period may be reduced depending on the level of the plan's unfunded accrued benefits at the time of the change (e.g. sale of the business). Of course, the prior contributing sponsor and control group members are only liable to the extent the new contributing sponsor (and related control group members) is unable to satisfy the PBGC claim. Three exemptions apply which serve to limit the obligation of prior contributing sponsors and control group members. Those exceptions apply when:

(1) the net tangible assets of the new contributing sponsor and all trades or businesses under common control with such contributing sponsor, determined immediately after the change of contributing sponsor, are greater than the net tangible assets (determined immediately before the change of contributing sponsor) of the prior contributing sponsor and all trades or businesses under common control with the prior contributing sponsor within five years of the date of the change, or

(2) immediately after the change of contributing sponsor, the net tangible assets of the new contributing sponsor are greater than the value of the unfunded vested benefits under the plan, determined under regulations prescribed by the PBGC, or

(3) immediately before the change of contributing sponsor, there were fewer than a total of 35 participants in all single-employer plans to which contributions were made by or on behalf of the prior contributing sponsor or any trade or business which was a member of a control group of which the prior contributing sponsor was a member.

Special rules also apply in the case of a multiple-employer plan (i.e. a single-employer plan in which all contributing employers are not within the same control group). An employer withdrawing from a multiple-employer plan would be required to pay withdrawal liability to the plan over a 15-year period in order to amortize an equitable share of the plan's unfunded vested benefits attributable to the employer's participation. The amount of withdrawal liability would be offset by the amount of unfunded vested benefits transferred to another plan maintained by the withdrawing employer.

Funding Changes

In many cases the current minimum funding standards for single-employer plans have been inadequate to contain the growth of unfunded pension liabilities within supportable levels, thereby unnecessarily increasing the risk to the insurance program and encouraging financially ailing plan sponsors to limit their liabilities by terminating their plans. The bill modifies the current ERISA standards in order to strengthen plan funding and reduce the ultimate cost of the single-employer programs to PBGC premium payers.

The bill incorporates a variation of the funding standards originally adopted by the House of Representatives when ERISA was first considered in 1974. Under this provision, if the current net charges to the Funding Standard Account amount to less than the first year payment which would be required to amortize over 15 years the plan's unfunded vested benefits, then the latter amount would constitute the new net charges. This new "15-year rolling test" would not be made applicable until the sixth plan year for new pension plans.

In addition, in order to prevent plans from becoming insolvent, the bill requires plans to make contributions sufficient to enable a plan to pay benefits when due.

As described earlier, "terminated" or "frozen" pension plans would be required to amortize plan unfunded vested benefits over a period of 15 plan years from the time of termination.

Terminated Sufficient Plans

The current administration by the PBGC of terminated pension plans with sufficient assets to pay benefits is both costly and unnecessary. Since the passage of ERISA, almost 98 percent of all terminated plans have been found to be sufficient. The bill will reduce PBGC administrative expenses by permitting sufficient plans to certify to the PBGC that all vested benefits have been satisfied.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JEFFORDS (at the request of Mr. MICHEL), for today, on account of an illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WEBER of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 15 minutes today.

Mr. ROBERTS of South Dakota, for 5 minutes, today.

Mr. COLLINS of Texas, for 30 minutes, today.

(The following Members (at the request of Mr. LELAND), to revise and extend their remarks and to include extraneous material:)

Mr. ADDABBO, for 15 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. REUSS, for 20 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DE LA GARZA, for 10 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. LELAND, for 15 minutes, today.

Mr. ENGLISH, for 10 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. GARCIA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DERWINSKI, immediately prior to vote on the Solomon amendment in the Committee of the Whole today.

Mr. ERLENBORN, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $3,240.

Mr. LOTT, to revise and extend in support of the Ashbrook amendment in the Committee of the Whole today.

Mr. BIAGGI, on the subject of the 1-minute speech today of Mr. ADDABBO, the late Robert Moses.

(The following Members (at the request of Mr. WEBER of Ohio), and to include extraneous matter:)

Mr. ROBERTS of South Dakota.
Mrs. SNOWE in two instances.
Mr. WOLF.
Mr. RITTER in two instances.
Mr. DERWINSKI in four instances.
Mr. DOUGHERTY.
Mr. GREEN.
Mr. MARTIN of New York.
Mr. LUJAN.
Mr. PHILIP M. CRANE.
Mr. MICHEL.
Mr. MCEWEN.

(The following Members (at the request of Mr. LELAND), and to include extraneous matter:)

Mr. EDWARDS of California.
Mr. MOFFETT.
Mr. FORD of Michigan.
Mr. STOKES in five instances.
Mr. SCHEUER in two instances.
Mr. BLANCHARD.
Mr. IRELAND.
Mr. GEJDENSON.
Mr. OTTINGER.
Mr. FRANK.
Mr. EDGAR.
Mr. STUDDS.
Mr. DORGAN of North Dakota.
Mr. JACOBS.
Mr. BOLAND.
Mr. LONG of Maryland.
Mr. PEASE.
Mr. SKELTON.
Mr. HUBBARD.
Mr. RAHALL.
Mr. GAYDOS.
Mr. CLAY.
Mr. SCHUMER.
Mr. DYSON.
Mr. GARCIA.

ADJOURNMENT

Mr. LELAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, July 31, 1981, 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:

1925. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense equipment and services to Turkey (Transmittal No. 81-78), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

1926. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain defense equipment and services sold commercially to Japan (Transmittal No. MC-20-81), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1927. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment and services to Turkey (Transmittal No. 81-78), pursuant to section 36(b) of the Arms Export Control Act, together with certification that the sale is consistent with the principles contained in section 620C(b) of the Foreign Assistance Act of 1961, pursuant to section 620C(d) of the act; to the Committee on Foreign Affairs.

1928. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Greece (Transmittal No. 81-79), pursuant to section 36(b) of the Arms Export Control Act, together with certification that the sale is consistent with the principles contained in section 620C(b) of the Foreign Assistance Act of 1961, pursuant to section 620C(d) of the act; to the Committee on Foreign Affairs.

1929. A letter from the Administrator of General Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1930. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period April 1 through June 30, 1981, pursuant to section 105(a) of Public Law 88-454, as amended (H. Doc. No. 97-79); to the Committee on House Administration and ordered to be printed.

1931. A letter from the Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting a proposal for the use and distribution of Seminole Nation of Oklahoma judgment funds in docket No. 247 before the U.S. Court of Claims, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

1932. A letter from the Attorney General, transmitting notice that the Justice Department will not appeal a decision of a district court which held unconstitutional a statutory classification created by section 416(h)(1)(B) of the Social Security Act, pursuant to section 21 of Public Law 96-132; to the Committee on Ways and Means.

1933. A letter from the Acting Comptroller General of the United States, transmitting a report on sanitation and Federal inspection at meat and poultry slaughter plants (CED-81-118, July 30, 1981); jointly, to the Committee on Government Operations and Agriculture.

REPORTS OF COMMITTEES ON PRIVATE 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:

[*Omitted from the Record of July 29, 1981*]

Mr. JONES of Oklahoma: Committee of conference. Conference report on H.R. 3982 (Rept. No. 97-208). Ordered to be printed.

[*Submitted July 30, 1981*]

Mr. UDALL: Committee on Interior and Insular Affairs. S. 875. An act to authorize the generation of electrical power at Palo Verde Irrigation District Diversion Dam, Calif. (Rept. No. 97-209). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. Report on allocation of budget totals to subcommittees under the first concurrent budget resolution for fiscal year 1982 (Rept. No. 97-210). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on statutory offices of inspector general (leadership resources) (Rept. No. 97-211). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 203. Resolution providing for the consideration of H.R. 4331 and waiving points of order against the conference report on H.R. 3982 (Rept. No. 97-212). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ERLENBORN (for himself, Mr. ASHBROOK, and Mr. FRENZEL):

H.R. 4330. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to consolidate and simplify the administration of the provisions of law relating to retirement income arrangements, to provide for incentives for pension plan coverage and increased retirement savings, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. BOLLING:

H.R. 4331. A bill to amend the Omnibus Reconciliation Act of 1981 to restore minimum benefits under the Social Security Act; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mr. AKAKA, Mr. ALBOSTA, Mr. ANNUNZIO, Mr. ATKINSON, Mr. BAILEY of Pennsylvania, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. BRODHEAD, Mr. BROWN of California, Mr. JOHN L. BURTON, Mr. PHILLIP BURTON, Mr. CHAPPIE, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CROCKETT, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DOWNEY, Mr. DYMALLY, Mr. EDWARDS of California, Mr. ERDAHL, Mr. FAZIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. GARCIA, Mr. GRAY, Mr. GUARINI, Mr. HALL of Ohio, Mr. HAWKINS, Mr. HEFNER, Mr. HOYER, Mr. KILDEE, Mr. KOGOVSEK, Mr. LANTOS, Mr. LELAND, Mr. MATSUI, Ms. MIKULSKI, Mr. MILLER of California, Mr. MITCHELL of New York, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOTTL, Mr. MURPHY, Mr. MURTHA, Mr. NOWAK, Mr. OBERSTAR, Mr. OTTINGER, Mr. PATTERSON, Mr. PERKINS, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. ROE, Mr. ROSE, Mr. SAVAGE, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. TRAXLER, Mr. VENTOS, Mr. WASHINGTON, Mr. WILLIAMS of Montana, Mr. WON PAT, and Mr. YOUNG of Missouri):

H.R. 4332. A bill to amend title 5 of the United States Code, to promote public

safety by encouraging the employment of highly qualified air traffic controllers, by establishing a salary classification system, by establishing a reasonable maximum number of weekly work hours, by establishing an adequate retirement plan, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ENGLISH:

H.R. 4333. A bill to amend the Federal Property and Administrative Services Act of 1949 with respect to procurement of collection services; to the Committee on Government Operations.

By Mr. ERLENBORN (for himself and Mr. CONABLE):

H.R. 4334. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to consolidate and simplify the administration of the provisions of law relating to retirement income arrangements, to provide for incentives for pension plan coverage and increased retirement savings, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. FORD of Tennessee:

H.R. 4335. A bill to amend title 38, United States Code, to repeal the December 31, 1989, termination of the period within which a Vietnam-era veteran may use educational assistance benefits under chapter 34 of that title; to the Committee on Veterans' Affairs.

By Mr. FRANK:

H.R. 4336. A bill to amend section 122 of the Elementary and Secondary Education Act of 1965 to permit local educational agencies to use funds under title I of that act for educationally deprived children at schools which, although not otherwise eligible for funds under such title, have in attendance a significant number of educationally deprived children recently transferred to those schools because of school closings; to the Committee on Education and Labor.

By Mr. GRAY:

H.R. 4337. A bill to authorize the appropriation of funds for the Benjamin Franklin National Memorial; to the Committee on Interior and Insular Affairs.

By Mr. HILLIS (for himself, Mr. BENJAMIN, Mr. FITHIAN, Mr. HILER, Mr. COATS, Mr. EVANS of Indiana, Mr. MYERS, Mr. DECKARD, Mr. HAMILTON, Mr. SHARP, and Mr. JACOBS):

H.R. 4338. A bill to designate the Veterans' Administration medical center in Indianapolis, Ind., as the "Richard L. Roudebush Veterans' Medical Center"; to the Committee on Veterans' Affairs.

By Mr. LUKEN:

H.R. 4339. A bill to provide protection from requirements and prohibitions imposed upon persons subject to the jurisdiction of the United States by foreign nations concerning the disclosure of confidential business information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McEWEN:

H.R. 4340. A bill to amend the Internal Revenue Code of 1954 to provide that amounts paid for health insurance will be allowed as a deduction without regard to the 3-percent limitation on the medical deduction, to allow a deduction for one-half of the social security tax on self-employment income and for certain life insurance premiums, and for other purposes; to the Committee on Ways and Means.

By Mr. McHUGH (for himself, Mr. HOYER, Mr. FAUNTROY, Mr. WOLF, Mrs. HOLT, Mr. BARNES, and Mr. PARRIS):

H.R. 4341. A bill to amend section 1114 of title 18, United States Code, to provide for protection of airport police officers of the Federal Aviation Administration; to the Committee on the Judiciary.

By Mr. PICKLE:

H.R. 4342. A bill to amend title II of the Social Security Act to provide for the elimination of statutory minimum benefits under such title with respect to only those individuals first becoming eligible for such benefits after December 1981, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself and Mr. MITCHELL of Maryland):

H.R. 4343. A bill to amend the Small Business Act to strengthen the role of small, innovative firms in federally funded research and development; to the Committee on Small Business.

By Mr. SOLARZ:

H.R. 4344. A bill to provide financial assistance to the States to undertake comprehensive criminal justice construction and personnel programs to improve the criminal justice system of the States, to provide that the Secretary of the Treasury is authorized to make interest subsidy payments on criminal justice facility construction bonds, and for other purposes; to the Committee on the Judiciary.

By Mr. WATKINS:

H.R. 4345. A bill to amend the Federal Water Pollution Control Act to provide that not less than 30 percent of funds appropriated for grants for construction of treatment works shall be made available for obligation in nonmetropolitan areas; to the Committee on Public Works and Transportation.

By Mr. JONES of Oklahoma (for himself, Mr. GIBBONS, and Mr. FRENZEL):

H.R. 4346. A bill to implement certain recommendations of the United States-Japan Economic Relations Group Report of January 1981, to assist in continued long-range improvements in United States-Japan relations, and for other purposes; jointly, to the Committees on Foreign Affairs, Ways and Means, and Post Office and Civil Service.

By Mr. ROBERTS of South Dakota (for himself and Mr. DASCHLE):

H.R. 4347. A bill to authorize the Secretary of the Interior to proceed with development of the WEB pipeline, to provide for the study of South Dakota water projects to be developed in lieu of the Oahe and Pollock-Herreid irrigation projects, and to make available Missouri basin pumping power to projects authorized by the Flood Control Act of 1944 to receive such power; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. IRELAND (for himself, Mr. CHAPPELL, Mr. LAGOMARSINO, Mr. DERWINSKI, Mr. BEVILL, Mr. YATRON, Mr. LENT, Mr. BUTLER, Mr. WON PAT, Mr. WHITEHURST, Mr. GRAY, Mr. MURTHA, and Mr. SKELTON):

H.J. Res. 315. Joint resolution expressing the determination of the United States with respect to claims by U.S. nationals for property seized by the Cuban Government; to the Committee on Foreign Affairs.

By Mr. GRAY (for himself, Mr. MCCLOSKEY, Mr. BONKER, Mr. ERDAHL, Mr. BEILENSON, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CROCKETT, Mr. DELLUMS, M. DIXON, Mr. DYMALLY, Mr. EDGAR, Mr. FAUNTROY, Mr. FAZIO, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. LANTOS, Mr. LELAND, Mr. MITCHELL of Maryland, Mr. MOFFETT, Mr. OBERSTAR, Mr. OTTINGER, Mr. RANGEL, Mr. ROSENTHAL, Mr. STOKES, and Mr. STUDDS):

H. Con. Res. 165. Concurrent resolution calling for recognition by the United States of the present Government of Angola and for the establishment of full diplomatic relations between the United States and Angola; to the Committee on Foreign Affairs.

By Mr. STUDDS (for himself and Mr. PRITCHARD):

H. Con. Res. 166. Concurrent resolution disapproving certain coastal zone management consistency regulations; to the Committee on Merchant Marine and Fisheries.

By Mr. GLICKMAN (for himself, Mr. GOLDWATER, Mr. HARKIN, Mr. FLIPPO, Mr. RALPH M. HALL, Mr. SHAMANSKY, Mr. DYMALLY, Mr. HOLLENBECK, Mr. DUNN, and Mr. CARNEY):

H. Res. 202. Resolution expressing the sense of the House of Representatives that the Administrator of the Federal Aviation Administration should submit to the Committee on Science and Technology full R. & D. program planning documentation with respect to the modernization and replacement of the FAA air traffic control enroute computer system; to the Committee on Science and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURGENER:

H.R. 4348. A bill for the relief of Ruth Gannon; to the Committee on the Judiciary.

By Mr. EMERY:

H.R. 4349. A bill to direct the Secretary of the Department in which the U.S. Coast Guard is operating to cause the vessel *Jason Collins* to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. WALKER:

H.R. 4350. A bill for the relief of Arthur J. Grauf; 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. 27: Mr. CARNEY.

H.R. 52: Mr. JEFFRIES and Mr. GINGRICH.

H.R. 894: Mr. GINGRICH, Mr. WILSON, and Mr. LENT.

H.R. 1359: Mr. WALGREN.

H.R. 1360: Mr. WALGREN.

H.R. 1361: Mr. WALGREN.

H.R. 1603: Mr. MARTIN of North Carolina, Mr. YOUNG of Alaska, Mr. BONER of Tennessee, Mr. KAZEN, Mrs. SNOWE, and Mr. WATKINS.

H.R. 1638: Mr. HUGHES.

H.R. 2041: Mr. JAMES K. COYNE.

H.R. 2052: Mr. MOTTL.

H.R. 2250: Mr. BONER of Tennessee, Mr. FLIPPO, Mr. WINN, Mr. ROEMER, Mr. HENDON, Mr. BONKER, Mr. DICKINSON, Mr. LOTT, Mr. WIRTH, Mr. TAUZIN, and Mr. SMITH of Alabama.

H.R. 2349: Mr. BEDELL, Mr. BINGHAM, Mr. CROCKETT, Mr. DENARDIS, Mr. GILMAN, Mr. HUGHES, Mr. LA FALCE, Mr. MCCLOSKEY, Mr. RINALDO, Mr. ROSENTHAL, and Mr. FITHIAN.

H.R. 2642: Mr. BONER of Tennessee.
H.R. 3079: Mr. ROSENTHAL.
H.R. 3083: Mr. WINN.
H.R. 3204: Mrs. SCHNEIDER.
H.R. 3205: Mrs. SCHNEIDER.
H.R. 3414: Mr. RAILSBACK.
H.R. 3502: Mr. HOWARD.
H.R. 3575: Mr. GOODLING, Mr. HANSEN of Utah, Mr. MCDADE, Mr. MATSUI, Mr. NELLIGAN, Mr. PEPPER, Mr. VENTO, and Mr. WINN.
H.R. 3657: Mr. DANNEMEYER, Mr. CROCKETT, Mr. GREGG, Mr. DAUB, Mr. SAM B. HALL, JR., Mr. EVANS of Georgia, Mr. BENEDICT, Mr. MILLER of Ohio, Mr. HILER, and Mr. WEBER of Minnesota.
H.R. 3786: Mrs. BOGGS, and Mr. BINGHAM.
H.R. 3791: Mr. SHANNON, Mr. WOLPE, Mr. COELHO, Mr. NAPIER, Mr. CAMPBELL, Mr. DUNN, Mr. FRANK, Ms. MIKULSKI, Mr. NEAL, Mr. LANTOS, and Mr. GRAY.
H.R. 3803: Mr. BADHAM, Mr. SIMON, and Mr. HYDE.
H.R. 3816: Mr. HUBBARD and Mr. HUGHES.
H.R. 3942: Mr. HUGHES.
H.R. 3951: Mr. CONYERS, Mr. STUDDS, Mr. RODINO, Mr. MARKEY, Mr. GREGG, Mr. ROSENTHAL, Mr. CHAPPELL, Mrs. COLLINS of Illinois, and Mr. FRANK.
H.R. 3984: Mr. WAMPLER.
H.R. 4041: Mr. EDWARDS of Alabama, Mr. LOTT, and Mrs. BOGGS.
H.R. 4063: Mr. WILSON.
H.R. 4084: Mr. HUGHES.
H.R. 4161: Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. BRODHEAD, Mr. EDGAR, Mr. KILDEE, and Mr. VENTO.
H.R. 4164: Mr. WILSON, Mr. HUCKABY, Mr. NEAL, and Mr. LAGOMARSINO.
H.R. 4313: Mr. DORGAN of North Dakota.
H.R. 4328: Mr. DORNAN of California, Mr. FRANK, Mr. ROE, Mr. CROCKETT, Mr. DOUGHERTY, Mr. BROWN of Colorado, Mr. WEBER of Minnesota, and Mr. LEE.
H.J. Res. 124: Mr. FITHIAN, Mr. FISH, Mr. HOYER, Mr. NELLIGAN, Mr. PERKINS, Mr. SMITH of Iowa, Mr. WILSON, Mr. WIRTH, and Mr. YOUNG of Florida.
H.J. Res. 280: Mr. DWYER, Mr. EDGAR, and Mr. LEE.
H. Res. 158: Mr. CARMAN and Mr. HARKIN.
H. Res. 166: Mrs. BOGGS, Mr. DOUGHERTY, Mr. HUCKABY, Mr. MARKEY, Mr. NICHOLS, Mr. RINALDO, Mr. SCHUMER, Mr. TAUKE, Mr. WATKINS, and Mr. WILSON.
H. Res. 167: Mr. MCCURDY and Mr. PEYSER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

154. By the SPEAKER: Petition of the city council, Oakland, Calif., relative to rent control; to the Committee on Banking, Finance and Urban Affairs.

155. Also, petition of the board of levee commissioners, Orleans District, New Orleans, La., relative to restricting the jurisdiction of the Corps of Engineers over discharge of dredged or fill material; to the Committee on Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4209

By Mr. SNYDER:

—Page 38, after line 15, insert the following new section:

"SEC. 322. No funds appropriated by this Act shall be used to pay any salary or other expense for the purposes of putting into effect or enforcing any rule—

"(1) which requires any reduction in the total daily number of flights by air carriers except air taxis, or by air taxis, at Washington National Airport below the number operated on July 20, 1981, and

"(2) which was

"(A) promulgated without issuance of (and public comment on) an initial regulatory flexibility analysis described in section 603 of title 5, United States Code; or

"(B) put into effect prior to 60 days after the issuance of a final regulatory flexibility analysis under section 604 of such title and a final regulatory impact analysis described in section 3 of Executive Order 12291."