SENATE—*Friday, November 13, 1981*

(Legislative day of Monday, November 2, 1981)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

"Our Father which art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on Earth as it is in heaven."

Thou hast taught us this prayer, O Lord, and in times like these nothing we can pray seems more relevant. The glory of God, the coming of His kingdom and the doing of His will on Earth is the promise of a perfect social order, an order which cannot be achieved by the finest human effort unaided by God. Grant us the wisdom to acknowledge this and to yield our minds to the direction of the Holy Spirit, that hard decisions derived from intense struggle may conform to Thy purpose for history.

We pray for the astronauts and their families. May this probe into space be successful and may they return to Earth safely with mission accomplished. Grant to the Senators and their families a weekend of rest, reconciliation and renewal. Bless the time with their loved ones, and restore energy and strength, that the labors of the week to come may be pleasing to Thee and a benefit to the whole world. Through Christ our Lord, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I understand that there is a special order for the recognition of the Senator from Mississippi (Mr. COCHRAN) for 15 minutes, to follow the recognition of the two leaders under the standing order; that after the expiration of time for the special order, the Senate will resume consideration of H.R. 4169, the Commerce-State-Justice appropriations bill, at which time a Weicker perfecting amendment on legal services will be the pending question. Is that correct?

The PRESIDENT pro tempore. The Senator is correct.

LEGISLATIVE SCHEDULE

Mr. BAKER. Mr. President, today is Friday the 13th, and what I am about to say has no relationship to that old, traditional superstition.

However, I must say that as we gear up for the final push to adjournment sine die, it will no longer be possible, absent the most extraordinary circumstances, to honor the requests of individual Members to be protected on votes at particular times or on given days. I regret to make that announcement, but I believe it is essential if the Senate is to dispatch its business with reasonable swiftness and efficiency.

Therefore, Members are on notice that, with the greatest regret, the leadership will no longer accept requests to be protected during the day or during the week against rollcall votes.

Senators also should be on notice that, while the leadership will continue to attempt to schedule the business of the Senate in order to avoid late sessions beyond approximately 6 p.m., except on Thursdays, it may not be possible to do so in these final days of the session; and there is at least an enhanced possibility of late sessions beyond the normal adjournment or recess hour of 6 or 6:30 p.m. on days other than Thursdays, for the remainder of this session.

Mr. President, the continuing resolution making appropriations for the operation of many agencies and departments of Government expires, by its terms, at midnight on November 20. That is next Friday, a week from today.

So that Senators may be aware of the possibility well in advance, in order to plan for it, they also should take account of the fact that there is at least a possibility that the Senate will be in session on Saturday, November 21.

That would not be the case unless it were necessary to continue our efforts to pass the continuing resolution or other matters in connection with a continuing resolution. But Members should be on notice now that there is a possibility of a Saturday session a week from tomorrow, the 21st.

Mr. President, I will continue to give the best schedule announcements I can, from day to day, so that Senators may plan, but the best plan Senators can make now is to be here until we adjourn.

I urge Senators to consider that as they are away from the city or away from the Capitol in these final days and hours of the session, there is very little protection the leadership can offer them against missing rollcall votes and important debate; also, that there is an increasing likelihood of weekend sessions and late night sessions on any night of the week or on any given weekend.

So, Mr. President, I apologized in advance for making this unpleasant announcement on Friday the 13th, but I believe it is the appropriate time to do it, and I wish to share that bad news with my colleagues as soon as possible.

The Senate will be in today for a full day of legislative activities. I expect that we will continue with the debate on the State-Justice appropriations bill, with the hope that we can finish it before we recess today. I estimate the time of recess to be about 5 o'clock.

ORDER FOR RECESS UNTIL 11 A.M. ON MONDAY

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Monday.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TECHNICAL CORRECTION—SENATE EXECUTIVE RESOLUTION 2

Mr. BAKER. Mr. President, I ask unanimous consent that a technical correction be made to Senate Executive Resolution 2. On line 12 the word "Provision" should read "Prevention", and I send the correction to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The corrected resolution follows:

S. EXECUTIVE RES. 2

Resolved, That the Secretary of the Senate is directed to return to the President of the United States the Convention between the United States and Thailand for the Avoidance of Double Taxation, and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Bangkok on March 1, 1965 (Ex. E, 89th Cong., 1st Session); the Convention between the United States and Israel for the Avoidance of Double Taxation and for the Encouragement of International Trade and Investment, signed at Washington on June 29, 1965 (Ex. F, 89th Cong., 1st Session); and the Convention between the United States and Egypt for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on October 18, 1975 (Ex. D, 94th Cong., 2nd Session).

Mr. BAKER. Mr. President, I have no further need for my time under the standing order, and I am prepared to yield it to any Senator who wishes me

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

to do so or to yield it to the control of the minority leader, if he has need for it.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. I thank the distinguished majority leader.

Mr. President, I have no need for the time, and I yield back my time.

CELEBRATING THE PRIDE AND SPIRIT THAT CANNOT BE CRUSHED

Mr. ROBERT C. BYRD. Mr. President, November 11 was Veterans Day. Across our country, official celebrations, parades, and public concerts honored America's nearly 30 million veterans.

But it was also a special day in Poland. November 11, 1918—World War I's Armistice Day—was also Poland's modern Independence Day. No official observances or parades were held in Poland.

Nevertheless, millions of Poles either made unofficial gestures of celebration or remembered their nation's resurrection in their hearts.

Poland's 1918 rebirth was both real and symbolic. In the late 18th century, Poland's rapacious neighbors—Prussia, Hapsburg Austria, and Tsarist Russia—cynically and methodically obliterated Polish independence.

Erasing Poland's boundaries, however, did not destroy Poland. Poland—a state of mind and heart—lived on in the souls of Polish people everywhere.

For more than a century, in spite of persecution from "divine right" tyrannies in Berlin, Vienna, and St. Petersburg, Polish national pride, culture, and religious faith flourished.

The 1918 Armistice saw Poland reborn—the redemption of one of Woodrow Wilson's goals, as well as the cherished hope of the Western European democracies. For 21 years thereafter, the Polish people enjoyed the recovery of their national identity and independence.

Unfortunately, Poland fell again under foreign domination in 1939, the first victim of Adolf Hilter's blitzkrieg tactics. Subsequent to Hitler's invasion, the Soviet Union swallowed half of Poland—a dividend from the "devil's compact" earlier signed between the Nazis and the Soviet Communists.

For more than three-and-a-half decades, Poland has lived under the Soviet fist. Today, however, the Polish people are showing the world that even the tentacles of Communist totalitarianism cannot strangle Polish pride and faith. In her struggle, Poland is again earning the world's admiration and respect.

Mr. President, I salute Poland and the Polish American community. And I want to assure those Polish Americans that many of their neighbors congratulate them on the occasion of Poland's Independence Day.

Historically, the ties between the United States and Poland are strong. Currently, as in the past, the American and Polish people share many mutual hopes, one of which is for a strong, independent, and forever-free Poland. May we live to see the day when Warsaw's streets publicly and officially ring with the cheers of a free Polish people celebrating November 11 as joyously as Americans celebrate the Fourth of July.

RECOGNITION OF SENATOR COCHRAN

The PRESIDENT pro tempore. Under the previous order, the Senator from Mississippi (Mr. COCHRAN) is recognized for not to exceed 15 minutes.

THE VOTING RIGHTS ACT

Mr. COCHRAN. Mr. President, 3 weeks ago I introduced S. 1761 to amend the Voting Rights Act of 1965 to establish a new preclearance procedure applicable to all 50 States.

Each week since then I have obtained time to discuss some of the provisions and ramifications of this proposal in hopes that Senators would review this suggestion carefully and be advised about the intent and motivation behind it.

It has been stressed that this is a new proposal and has not been previously considered by either the Senate or the other body during previous discussions of the Voting Rights Act.

What distinguishes this proposal from previous suggestions for change to extend application of the law nationwide is that this bill provides for a new procedure for preclearance and vests jurisdiction for administering that procedure in the Federal district courts.

At the same time it does not take away from the Department of Justice the obligation and responsibility to review proposed changes in local election laws. As a matter of fact, the procedure that is incorporated in this bill would require that process be served upon the Attorney General. The political unit, upon proposing to make a local change in an election law, would file an application in the Federal district court for a declaratory judgment. Not only would the Attorney General be made a party to this proceeding but any interested person or group through a representative would as a matter of right be able to intervene and participate in the preclearance procedure.

Sixty days would be provided to the Attorney General within which to consider and review the proposed change and to interpose in the Federal district court any objection to clearance of that change that it might have.

This is similar to the procedure that is now provided whereby the Department is given the sole responsibility for reviewing such changes and within 60 days making a decision to approve or disapprove the change.

Also included in the bill is a provision for expedited handling of these election law changes. If any party is aggrieved at the decision that is reached by the district court, an expedited appeal can be had to the court of appeals.

Some may say upon hearing about this suggestion that this is not anything that we have not considered before. Back in 1975 when this body was debating the Voting Rights Act there was an amendment offered by my State colleague Senator STENNIS that would extend the provisions of the voting rights law nationwide. But there was no provision in that amendment for a new procedure for handling preclearance. It simply presumed that the Department of Justice would be able to handle the increased volume of requests that would necessarily follow from approval of that amendment.

Recognizing that there would be additional work required of the Department and more personnel might be needed, this Senator has suggested that not only should we involve the Department of Justice but also all of the Federal district courts around the land so that we will be sure that whatever workload increase might result could be effectively and fairly handled so that the voting rights, the right of full participation in the political processes of this country, could be effectively protected.

Another difference in the proposal that I am making and the one I have referred to that was considered in 1975 is that there was an effort to repeal section 4 of the Voting Rights Act along with extending application nationwide. Section 4 of the act suspended the use of literacy tests. I am not in favor of going back to a situation where literacy tests or other devices are used to deprive certain citizens of voting rights in many cases simply because they were a minority or in a politically disadvantaged situation.

That section also in addition to suspending literacy tests prescribed a test by which it would be determined which political units and which States would come under the section 5 preclearance requirements. That test was in effect: First, if there was a literacy test in use and, second, if less than 50 percent of the eligible voter population was not registered or did not vote in previous elections.

My amendment does not tamper with the present section 4 provisions of the Voting Rights Act which now not only suspend literacy tests but on a permanent basis do away with them and also extend coverage to jurisdictions with language minorities.

The bill that I am introducing relates only to section 5, the preclearance section, and extends the preclearance re-

quirement to those States not already covered under the act.

There was another provision in the amendment offered by Senator STENNIS in 1975 which included authority for the Attorney General to establish criteria by which any State or political subdivision might be exempted from the provisions of section 5 and section 6.

There is nothing in the bill offered by this Senator which would provide any exemption whatsoever for any State or any political subdivision.

My proposal would amend section 5 to require all States and all political units to preclear election changes on a permanent basis.

There were some suggestions, Senators may recall, in the other body when the Voting Rights Act was up for consideration several weeks ago for change in the preclearance section. Congressman BUTLER of Virginia offered an amendment that would have vested in district courts jurisdiction to hear applications for a bailout. That was a nationwide change in that his suggestion was that the preclearance procedure should apply nationwide but there be given a right on the part of political units to petition the courts for a bailout. Again, that suggestion differs from the one now before the Senate in that this Senator is not suggesting that any such bailout provision is appropriate.

Another amendment was offered by Congressman HARTNETT. His suggestion was that before the House of Representatives and was rejected along with the Butler amendment attempted to extend nationwide the application of the preclearance requirements, but like the amendment that was before the Senate in 1975, it did not provide any new procedure for reviewing the numerous submissions from the 50 States nor did it suggest any willingness to provide additional appropriations or personnel for the Department of Justice to handle the increased volume of submissions that could be expected from nationwide extension of the law.

Again, then, I am attempting to demonstrate by these references to earlier amendments that neither the Senate nor the House of Representatives has ever fully considered the suggestion that is incorporated in S. 1761.

S. 1761, Mr. President, is clearly an effort to insure that the right of every citizen in every State to vote, to participate fully in the electoral processes of this land, is protected. A procedure for preclearance in Federal courts which have the capability, the expertise, the experience to make fair and just determinations under the rules of due process is suggested by this amendment.

It is my hope that the Senate Judiciary Committee during its hearings will consider this suggestion and, of course, I hope it is found to be a reasonable and workable improvement in the law, not an effort to undermine enforceability, not an effort to lessen the commitment that the Government has, and should have, to protect the voting rights of citizens in this great country of ours.

I noticed in reviewing some of the debate on the bill back in 1975 that Senator Abraham Ribicoff, whom everybody remembers as a champion of civil rights and on the frontlines of many of the early civil rights battles, said this:

If we are going to solve the dissension in this country, one of the places to start is to make sure there is uniformity in the application of national laws in the 50 States.

This bill is consistent with the hope and challenge laid before this body by Senator Ribicoff. This bill will achieve uniformity under the Voting Rights Act for all 50 States, for all political units in the country, and insure that it does not matter whether a minority voter lives in Illinois or New York or California or Alabama. This right to fully participate in the political processes will be protected by a law that is fair and workable.

But some say, "Well, there is no evidence that there is discrimination, that there are any efforts to prevent that kind of full participation in some of these areas."

Well, if there is not then what is the objection to submitting to the Federal court for an expedited review of election law changes? If there is no discrimination the proceeding will be a summary proceeding. The court will review it. If no objection is made, nobody feels aggrieved by that change, and if it has no effect of depriving anyone of the right of full participation, then the court will approve that change. That is not such an onerous burden. It is a small price to pay, Mr. President, for uniformity in the law, making this law like every other Federal law.

If it is a crime to commit arson in the State of New York, it is likewise a crime to commit arson in the State of Texas. Cite me, if anyone can, any other Federal law that singles out specific political units in this great country of ours and says, "You are under these requirements, these obligations, but all other political units are exempted." I think it should be the goal and the effort of this body, when it goes about formulating our Federal laws, to make sure that they are applied fairly, evenhandedly, and with the same force and effect in one jurisdiction as they are in any other.

Our income tax laws apply evenly and fairly throughout every State and every county of this country even though we do not have a Federal Treasury large enough to pay for enough agents to review individually every income tax return that is filed in this country. But we have before us now a procedure for enforcement of the important provisions of the Voting Rights Act, Mr. President, which can be enacted by this body when it reviews the Voting Rights Act later this year or early next year.

I am hoping that Members will review this suggestion for change and improvement and agree with the Senator that it is time to have a law for the 1980's and not just a law that related to the problems of the 1960's.

I yield back the remainder of my time.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1982

The PRESIDING OFFICER (Mr. D'AMATO). Under the previous order, the Senate will now resume consideration of H.R. 4169, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4169) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1982, and for other purposes.

AMENDMENT NO. 629

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CRANSTON. Mr. President, in regard to the pending bill, first, let me say that I urge support of the committee bill relating to the Legal Services Corporation without additional amendments.

Like the distinguished floor manager, I do not particularly like the restrictions that were included by the Senate Appropriations Committee. I realize, however, that a number of the supporters of the legal services program on both sides of the aisle feel that these restrictions are necessary.

I want to make it clear for the record that I do not share those views. During the entire period that I served on the Senate Labor and Human Resources Committee—the authorization committee for the Legal Services Corporation—I have never seen any evidence of widespread abuse in this program. The so-called abuses have involved isolated cases. Indeed, investigation into some of the claims of the opponents of the Legal Services Corporation have revealed major distortions in the facts described by the opponents of the program.

For example, the opponents of the legal services program often like to say that Legal Services attorneys sued to return two-thirds of the State of Maine to the Indians. That is an inaccurate and misleading statement. I ask unanimous consent that an analysis of the facts behind two oft-cited controversial cases, including the Maine case, prepared by the New York Lawyers' Committee to Preserve Legal Services, as well as an August 23 article from the St. Louis Post Dispatch, describing the misleading and unsupported allegations frequently made

against the Legal Services Corporation, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CRANSTON. Mr. President, although I do not see the necessity for the restrictions in the committee bill, they are certainly far preferable to these included in the House bill.

For example, under the House bill, there is substantial question as to whether a Legal Services attorney could respond to a direct request from a Member of the Senate to provide information relating to a matter before the Congress that involved questions of substantive policy relating to the poor. One of the opponents of the amendment described it on the House floor quite aptly as the "right-not-to-know" amendment.

I do not think that the Senate ought to be adopting in one vote an entire array of legislative restrictions developed, for the most part, on the House floor. The House Appropriations Committee simply incorporated into this appropriations bill provisions from the House-passed authorization bill, many of which were developed on the House floor. I do not think it is prudent or responsible for the Senate to compound the problem. By rubber-stamping the House's action in this matter, we would be abdicating our responsibilities.

We have an authorization bill on the calendar. Let the proponents of the House authorization bill present their arguments on the appropriate vehicle. The pending bill, as reported by the Appropriations Committee, is already carrying, in my view, more than enough restrictions.

Mr. President, in 1980, some 5,000 attorneys working in locally controlled legal services programs handled 1.5 million matters for low-income individuals. The overwhelming portion of these activities involved handling routine day-to-day legal problems of low-income families. The emphasis on controversial cases by the opponents of this program distorts the true nature of the legal services program.

This program has been an effective and important mechanism for serving the legal needs of low-income individuals. I have been particularly impressed by the letters of support for the legal services program that I have received from members of the judiciary and from public officials.

A number of the letters from public officials in my State have begun with phrases like "I've been sued by legal services program" and conclude "but I nevertheless support continuation of this program."

A local district attorney in a rural northern California county wrote to me:

> I have myself been sued and threatened with suit on a variety of occasions. I have not enjoyed either these law suits or threats, but the comfort of government officials to be free from suits by poor people is trivial when compared with the absolute necessity to guarantee that every American has full and fair access, through able and dedicated counsel, to the courts of justice. Justice is not a luxury that is reserved for those who can afford it.

That is a strong testimonial for this program, Mr. President.

Let us not ham-string the legal services program with all of the baggage loaded on by the House. The Appropriation's Committee restrictions cover the areas which have been of most concern. That ought to be enough.

AMENDMENT TO DELETE ALL FUNDING FOR LEGAL SERVICES CORPORATION

Mr. President, let me address for a moment the amendment which will be offered by the Senator from Alabama (Mr. DENTON) to delete all funds for the Legal Services Corporation from the pending bill.

Whatever differences of opinion may exist between Members of the Senate as to restrictions which ought to be placed upon the activities of the Legal Services Corporation and its grantees, it is clear that there is strong bipartisan support for continuation of the Legal Services Corporation.

I especially want to congratulate those Senators on the other side of the aisle who have made it clear that continuation of the Legal Services Corporation is not a partisan matter—it is an issue which every Member of this body who is committed to promoting Justice for all—not just for those who can afford it—can and should support.

Mr. President, the opponents of the Legal Services Corporation frequently assert that they recognize that the poor need legal representation or that they support the concept of legal services for the poor, but not this way. What other way, I ask, do they propose?

Return to haphazard voluntary donations of time by the private bar? Preposterous; that day is long past, if it ever existed.

The legal services program was created in the sixties because the poor did not receive adequate legal assistance under the old voluntary approach. There is not one iota of evidence to suggest that if the Leal Services Corporation was abolished the private bar would be able or capable of filling the void.

Mr. President, the bar association leaders in my State, and I am sure in every State, are actively involved with the legal services programs there is establishing and operating pro bono programs so that lawyers will be encouraged to donate services to those who are unable to afford legal representation. But these activities are ancillary to programs funded by the Legal Services Corporation. These pro bono programs are important and should be supported, but they cannot replace an adequately funded legal services program.

The other argument advanced by those who oppose the Legal Services Corporation, but assert their support for the "concept" of legal services for the poor, is to propose transferring responsibility to the States to decide whether the poor should have legal representation. This is usually advanced as a block-grant proposal.

Again, the reality is that this approach will mean little or no legal assistance for the poor in many States.

It is unrealistic to expect that Government officials in the majority of States will allocate any significant funds to a legal services program which will, in many cases, be representing low-income people in legal disputes against these same Government officials. There is an inherent conflict of interest in transferring responsibility for the legal services program to the States. Indeed, that is the very reason Congress established an independent Legal Services Corporation in the first place—to eliminate the conflict of interest at the Federal level, to insulate the program from political upheavals, and allow it to direct its attention toward the needs of low-income individuals for legal representation.

As to those who questions whether the Federal Government should support a legal services program which represents clients in litigation against Government entities, the answer is simple: No person and no office is above the law. When the laws of this land confer certain rights upon individual citizens and corresponding obligations upon Government agencies, then those individuals ought to be able to enforce their rights by seeking redress in the courts. That is true whether it be a Federal, State, or local public entity. When the poor of this Nation are denied rights granted under the laws of this great Nation, they ought to have the same ability to protect those rights through our judicial system as do corporations or wealthy individuals.

Mr. President, the amendment of the Senator from Alabama to delete all funding for the Legal Services Corporation is purely and simply a denial of legal representation to low-income individuals. I have heard his statement of support for the concept of legal services for the poor, but the practical effect of his amendment is to deprive poor people of any meaningful access to our system of justice.

It is that plain. It is that simple. I strongly oppose this amendment.

AMENDMENT TO REDUCE FUNDING TO $100 MILLION

Mr. President, I also strongly oppose the amendment to be offered by the Senator from Mississippi to reduce the level of funding provided in the committee bill for the Legal Services Corporation.

The committee bill provides $241 million for the Legal Services Corporation for fiscal year 1982. That represents a reduction of $80 million below the 1981 level. This is a 25-percent cut, but as the committee report indicates it actually represents close to a one-third reduction in funds when the effect of inflation is taken into account.

This is already a drastic reduction in the legal services program at a time when there will be greater—not lesser—legitimate need for legal assistance for the poor. This level of funding will result in substantial cutbacks in the legal services program and the closing of Legal Services offices throughout the country, leaving many indigent clients

without legal representation. Any further reduction would cripple the program.

Mr. President, any truly meaningful effort to provide poor people with minimal legal service cannot be sustained at the level proposed by the Senator from Mississippi. The Appropriations Committee has recommended a funding level that requires the legal services program to bear its share of cutbacks. Further reductions are simply unjustifiable.

The entire premise of the Legal Services Corporation rests upon the notion that every individual, regardless of his or her income, ought to have access to effective legal representation. Our system of justice is based upon the notion that the poor—no less than the rich—are entitled to their day in court. Our entire society benefits when conflicts are resolved through our judicial system.

The amendment offered by the Senator from Mississippi would close the halls of justice to many of those who most need the protection of our Constitution and the laws. That would be a tragic result for this Nation and the cause of justice.

CONCLUSION

Mr. President, the Legal Services Corporation is a cornerstone of our national commitment to equal access to justice for all—not just those who can afforded it. I urge defeat of those amendments aimed at eliminating or crippling this important program.

EXHIBIT 1

(From Brief in Support of the Reauthorization and Continued Funding of the Legal Services Corporation by the New York Committee to Preserve Legal Services)

THE FACTS BEHIND TWO "SENSATIONAL" CASES

Congressman Sam B. Hall, Jr. in his dissent to the House Judiciary Committee Report on H.R. 3480, cites certain cases, selected from a list prepared for an Office of Management and Budget working paper on the legal services program, as examples of "abuses" by LSC-funded lawyers. He concludes that, "LSC's case history is clearly one of using taxpayer dollars to force judicial resolution of political and public policy issues best left to Congress for deliberation." Legal Services Corporation Act Amendments of 1981, H.R. Rep. No. 97-97, 97th Cong., 1st Sess. 31 (1981). One such case is described by him as a "suit against [a] California grower who issued short-handled hoes to workers who could not stand while using them; [the] grower contended that, if workers use long-handled hoes, supervisors cannot tell who is resting." *Id.*

The case to which Rep. Hall refers is *Carmona v. Division of Industrial Safety*, 13 Cal. 3d 303, 118 Cal. Rptr. 473, 530 P.2d 161 (1975). The lawsuit was initiated on behalf of the farmworkers by legal services lawyers challenging the grower's insistence on the use of a one-foot-long hoe that required farmworkers, for much of their workday, to work continuously bent over almost to the ground. They alleged it was unsafe and in violation of an administrative regulation prohibiting the use of "unsafe hand tools." The Supreme Court of California ordered the California Division of Industrial Safety to set aside and reconsider its decision that the short-handled hoe was not an "unsafe hand tool" in light of the "largely uncontradicted" evidence that use of the hoe caused permanent back damage and other disabling injuries to the farmworkers. 118 Cal. Rptr. at 480. How an attempt to enforce an existing administrative regulation requiring safe working conditions for farmworkers can be characterized as "abusive" or "best left to Congress" is difficult to comprehend.

A case frequently cited by LSC critics is one described by them as a case by legal services lawyers to return a major portion of the State of Maine to the Indians. *See, e.g.*, 127 Cong. Rec. S3177 (daily ed. Apr. 1, 1981) (remarks by Sen. Helms). Actually, this case is one in which the major effort on behalf of the Indian tribes was made by non-legal-services lawyers, including lawyers for the United States Government, and the result obtained was specifically approved by the Congress. The case in which a legal services lawyer was involved at one time was *Joint Trib. Coun. of Passamaquoddy Tribe* v. *Morton*, 528 F.2d 370 (1st Cir. 1975). The direct issue was not whether the Indian tribes should recover the Maine land they contended had been illegally taken from them, but merely whether the United States Government had an obligation under the Indian Non-Intercourse Act, 25 U.S.C. § 177, to investigate whether the Indians' claims had merit and to take appropriate action on their behalf. The suit was handled for only a short period of time by an attorney with Pine Tree Legal Assistance, Inc., a legal services office funded by the LSC, after the private attorney who had initiated the action had withdrawn and before the case was taken over by the Native American Rights Fund ("Fund") and brought to trial. The suit was financed by the Fund solely with moneys provided by the Ford and Lilly Foundations—not the LSC. The trial and appellate courts held that the United States Department of Interior had a fiduciary role with respect to the protection of the lands of a tribe covered by the Act, that the Passamaquoddy Tribe was such a tribe, and that there was a corresponding federal duty to investigate and to take such action as might be warranted under the circumstances. 528 F.2d at 379. As a result, the United States Government itself filed suit on behalf of the Indians. *United States* v. *Maine*, Civil No. 1966 (1972).

The claim of the Indian tribes was evidently not without some merit. Before the trial the dispute was compromised in a settlement approved by both the Maine legislature and the Congress of the United States. The Maine Indian Claims Settlement Act of 1980, P.L. 96-420, 94 Stat. 1788 (October 10, 1980). Under the settlement, a trust fund was created by the federal government for the benefit of the Indians and a separate fund was set aside for the purchase of 305,000 acres of land for the Indians. *See*, Maine Indian Claims Settlement Act of 1980. H.R. Rep. No. 96-1353, 96th Cong., 2d Sess., reprinted in [1980] U.S. Code Cong. & Ad. News 7145.

Even if this case had been handled primarily by an LSC-funded program, it would hardly be an "abuse" for which the LSC should be terminated. Like so many other such "abuses," the case is an example of proper legal representation by attorneys fulfilling their ethical obligations to their clients.

[From the St. Louis Post-Dispatch, Aug. 23, 1981]

FLAWED ATTACK MADE ON POVERTY LAWYERS

(By William Freivogel)

The campaign to abolish the federal program providing lawyers for poor people has been waged with several inaccurate, unsubstantiated and misleading allegations, an inquiry by the Post-Dispatch has found.

The program's most active and outspoken opponent is Howard Phillips, chairman of the Conservative Caucus Inc.

In congressional testimony and newspaper advertisements, he has made unsupported claims of abuses in the program. Some have been repeated by the Reagan administration.

Some of the unsupported allegations turned up in an administration "working paper" circulated this summer on Capitol Hill. The working paper was an attempt to muster support for the administration's proposal to permit states to determine how much money goes into legal services.

Rep. Sam B. Hall Jr., D-Texas, a congressional critic of the program, repeated some of the same charges in a congressional document opposing financing of the Legal Services Corp., which runs the program.

Most of the allegations attempt to link the corporation with Communist groups or liberal causes. Phillips has maintained that the corporation is a captive of radical leftists.

For example, Phillips alleged that the corporation filed "litigation to compel the New York City Transit Authority to hire former heroin addicts."

The allegation is repeated almost verbatim in the administration working paper and a report by Hall.

But the New York suit was not filed by the Legal Services Corp. It was filed by the New York Legal Action Center, a private organization with no affiliation with the government-financed program.

The administration report was written by Michael Horowitz, special counsel of the Office of Management and Budget. He agreed that some of the summaries of cases in the report appeared to be misleading or unsubstantiated. He said he had not checked them himself.

He maintained that did not alter the basic position of the paper: "A group of people have captured the program and run it in accordance with their bankrupt ideology."

A spokesman for Hall said he had not checked the allegations independently. The spokesman said Hall's main reason for opposing the corporation was its activities in Texas.

The Post-Dispatch has tried unsuccessfully over a period of several weeks to reach Phillips. Although he refused to be interviewed, the Post-Dispatch forwarded a series of questions to him asking the basis of some of his allegations.

Larry Woldt, director of communications for the Conservative Caucus, responded to the inquiries. He sent newspaper and magazine clippings to support a few of the allegations.

After more than a month, he said he had not found the documentation for the other allegations, did not have time to search for it and broke off contact with the Post-Dispatch.

"Ninety percent of the allegations are true," Woldt said.

Phillips has said legal services lawyers have opposed prayer in schools, filed suits challenging parents' authority to intercept mail addressed to their children and supported boycotts of states that have not ratified the Equal Rights Amendment.

Available evidence indicates that the lawyers have not been involved in those activities.

He has said legal services lawyers have represented "pro-Castro groups like the Gray Panthers."

The Gray Panthers is an association of older people. It says its only connection with Cuba is that it once scheduled a trip to study how older people were treated there.

Woldt said it was unfair to write a story about the allegations. Phillips could not document when he was able to prove 90 percent of what he said about the corporation.

Woldt said the Post-Dispatch was biased in favor of the corporation. "Mr. Phillips said he might as well be talking to the public relations department of Legal Services Corporation," he said.

The Post-Dispatch sought documentation of about 20 allegations voiced by Phillips. Documentation was found for two.

Legal Services lawyers have filed suits to obtain government-paid radical benefits for persons seeking sex-change operations. And the corporation has filed suits seeking government financing of abortions for poor women.

The corporation says that in these controversial cases, it was seeking to protect established legal rights for poor people. The courts agreed with the corporation on the sex-change operations and ordered the government to pay medical benefits for them.

The corporation eventually lost the abortion case when the Supreme Court ruled that states could refuse to provide such medical benefits for poor women.

Mr. Ayers, a spokesman for the corporation, said the controversial cases were only a small proportion of the corporation's actions.

Most of the suits Phillips criticizes are class-action suits in which the corporation represents a group of poor people challenging a government policy. Ayers said less than 1 percent of legal services suits are class-action suits.

Most cases involve problems such as divorces, evictions and repossessions, he said.

Phillips has led the conservative opposition to the legal services program since the early 1970's, when he tried to cut it back as then-President Richard M. Nixon's director of the Office of Economic Opportunity.

He renewed his campaign last year in a series of mailings, newspaper advertisements and appearances before congressional committees. Here are some of the major accusations:

In testimony March 24 before the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, Phillips said legal services lawyers were lobbying against congressional efforts to allow voluntary prayer in public schools.

He cited a quotation from Clearinghouse Review, a publication of the Legal Services Corp. that reports on legal developments relevant to the poor.

He relayed the quotation this way: "The most politically controversial access issue of the 96th Congress was the effort to remove by statute all federal court jurisdiction over school prayer issues . . . If the forces seeking to eliminate school prayer jurisdiction succeed, they are likely to move on to other issues more directly affecting the poor, including abortion and school desegregation."

What Phillips left out of the quotation, where an ellipsis appeared in his testimony, was this phrase:

"While school prayer is not a legal services issue, the underlying question of Congress's authority to limit federal court jurisdiction over constitutional claims is."

Ayers, the legal services spokesman, says the Legal Service Corp. has never argued against school prayer.

In an advertisement June 16 in the Washington Post and in testimony to a Senate Appropriations subcommittee, Phillips accused legal services lawyers of helping "pro-Castro activist groups like the Gray Panthers."

The Gray Panthers is an organization of older people that argues in court and lobbies in Congress for the rights of the elderly. The Legal Services Corp. sometimes represents the group. None of the assistance has involved suits relating to Cuba.

The basis for Phillips' allegation is a trip the Gray Panthers planned to make to Cuba to study the life of older people there.

Woldt said an article in a Gray Panthers publication describing the trip showed that the group is pro-Castro. The article said: "In Cuba, the word for 'retiree' is jubilado, literally 'jubilated.' Though Cuban jubilados often confront the loneliness and boredom forced on many of the aged here, their retirement is not mandatory and thus, many opt for a still productive lifestyle after the age of 65.

"According to Steven Wayne, who with Maggie Kuhn is organizing the trip, 'Too many people have a distorted view of life in Cuba and it must be our duty to provide a different perspective.' "

Ms. Kuhn, head of the group, denied it was pro-Castro. She said her group has consultative status at the United Nations. It was in that role that the group planned a trip to "see what Castro was doing and see the dynamics of age discrimination in the Castro regime," Ms. Kuhn said.

The group has traveled also to Micronesia, Kenya, Malaysia and the People's Republic of China, she said.

An advertisement by the Conservative Caucus May 4 in the National Law Journal said "LSC-funded activists . . . support boycotts of states that have not ratified ERA."

Phillips cites a quotation from Clearinghouse Review that "the economic boycott against non-ratifying states has been vindicated in the context of the ERA as a tool for women's advocates."

The article he cites is about court decisions affecting women. The quoted material is at the beginning of a summary of the federal court decisions rejecting Missouri Attorney General John D. Ashcroft's challenge to the boycott in Missouri.

The Legal Services Corp. decided not to boycott states that have refused to ratify the Equal Rights Amendment, Ayers said. Recently, legal services groups have met in Florida and Missouri, states that have refused to ratify the amendment.

Nor was the corporation involved in the federal court case that upheld the right of women's groups to boycott states that have refused to ratify the amendment.

In a fund-raising letter on Sept. 8, 1980, Phillips wrote that all legal services projects "are committed to the implementation of a radical social and political agenda which has included . . . lawsuits by young children to challenge the authority of their parents on matters like access to personal mail, choice of schools, and the like . . ."

Phillips made much the same charge in an article in Human Events on Jan. 14, 1974. There he cited a suit by the San Francisco Neighborhood Legal Assistance Foundation on behalf of a 17-year-old girl whose father intercepted her mail.

The San Francisco Neighborhood Legal Assistance Foundation responded at the time that the allegation was false, that no such suit existed and that legal services attorneys were not representing such a girl.

Woldt was unable to present evidence of suits challenging parental authority over mail and choice of schools. He said he knew of a case in which the corporation represented a retarded child in a suit by the child's father seeking control over her affairs. He declined to provide details.

Other allegations by Phillips and other critics, while not unsubstantiated, omit some details.

On March 24 in House testimony, Phillips criticized the Legal Aid Society of Columbus, Ohio, for representing penitentiary inmates in "extensive litigation . . . on such matters as 'inmate idleness' and inadequate 'recreational services.' "

The society sued in 1978, challenging conditions at the 140-year-old state penitentiary in Columbus, where prisoners were allowed out of their cells only for meals and two hours of recreation a week.

Inmates were housed in dimly lighted, unheated cells without hot water. During the winter, temperatures in the cell blocks dipped into the 30s. The state had closed the prison in the early 1970s but reopened it when a new penitentiary at Lucasville became overcrowded.

The Justice Department joined the suit against the Columbus facility. In 1979, the state agreed to close it in 1983 and upgrade conditions until then.

In Senate testimony April 22 and in a Conservative Caucus advertisement in the Washington Post on June 16, Phillips alleged that Legal Services employees participated "in raising funds for the anti-American Castroite terrorists and guerrillas in El Salvador."

That allegation is based on an article on Jan. 29, 1981, in The Daily World, a left-wing newspaper. It describes a meeting of union leaders in New York who agreed to participate in a campaign to sell bonds to pay for humanitarian aid to El Salvador. The article says that members of a union representing legal services lawyers in New York attended.

The money raised by sale of the bonds was to be sent to a Catholic archbishop in Mexico. The bonds indicated the money was "for a free El Salvador."

Woldt said he had no other evidence that money was being used to finance terrorists and guerrillas in El Salvador.

Spokesmen for the legal services union in New York denied any involvement in raising funds for terrorists. A spokesman said the union did not send a representative to the meeting and is not selling the bonds.

The Reagan administration working paper also left out key facts in criticizing corporation cases. For example, the report stated:

"California Rural Legal Assistance sued Madera County to overturn regulations requiring welfare recipients to accept available agricultural work on penalty of jeopardizing their welfare eligibility."

It did not explain that the 1968 suit was brought on behalf of 19 families whose welfare benefits had been ended because they had refused to send their children into the fields to harvest grapes.

One of the clients was Jesus Segovia, his wife and four daughters. Segovia was blind, his wife disabled and one of the daughters mentally retarded. The California Supreme Court summarized the facts this way:

"Social worker Schleich (an agent and employee of the Welfare Department) allegedly threatened Mrs. Segovia with termination unless she and her four daughters reported to pick grapes. . . . The family feared termination and decided to work. However, Mrs. Segovia has a disabled arm, and her 15-year-old daughter, Armandina, is mentally retarded and cannot work without close parental supervision. These two therefore stayed home.

"Three other Segovia daughters, aged 10, 11, and 17, went to the field accompanied by their stepfather, a recipient of Aid to the Blind, who feared for their safety . . . In the field there was allegedly no toilet, no place to wash one's hands, and no first aid kit . . .

"That same afternoon Schleich allegedly came to the house and told Mrs. Segovia that her disabled arm was insufficient excuse for not working, and that she would be terminated unless she worked. On Thursday and Friday, therefore, all but the mentally retarded child went to the fields.

"On Thursday, Sept. 21, Schleich allegedly phoned the home, found Armandina there, and so verbally assaulted her that she was still emotionally distraught when the family returned that evening . . .

"The state terminated the benefits."

Benefits of another mother were ended after she refused to send her children, 11 and 16, back to the fields after they became sick from working in the sun.

The California Supreme Court ruled that the county had no right to cut off the benefits.

Ronald Reagan, then governor of California, criticized that suit as "frivolous and harassing" in a longrunning battle with the legal services program. A committee appointed by the Nixon administration to investigate Reagan's allegations concluded that it was neither frivolous nor harassing.

Horowitz acknowledged that the details cast the suit in a different light. But he questioned whether the legal services organization had tried hard enough to settle the issues before filing suit.

LEGAL SERVICES

Mr. HOLLINGS. Mr. President, I am a strong supporter of legal services because I do consider them fundamental. Directing my remarks immediately to abuses, we only have to refer to the lobbying activities and, as you well know, Mr. President, I have supported programs from the word "go" for feeding the hungry poor. But I refer to the food stamp office lobbying with a flyer entitled "You don't have to take that mess from the food stamp office" and "The Palmetto Food Stamp Service can help you fight back." The Palmetto Food Stamp Service unit is a member of the Palmetto Legal Services of Columbia.

When we come to the very elevated talk of constitutional rights and access to America's system of justice, that is one thing. When we get down to your business and mine, namely, lobbying and politics, that is another thing.

I am very much and have been, as I say, supportive of this, I imagine, same food stamp service. They have performed a useful service in trying through outreach to have extended the feeding programs to those that have had difficulty participating, so it is not my purpose to deride that particular entity. On the contrary, it is to point out the need for limitations on the legal services program, for the simple reason that if we do not pull in its horns from the matter of lobbying and posting bills and everything else of that kind, then we have another thing involved—not access to the system of justice, but access to the system of politics. That is a different debate, with the Federal Election Commission and whether we ought to put in money to have you and me run for the Senate and whether we ought to finance political causes and everything else of that kind. So there is that reason.

I can give another example with relation to the matter of appearing before the legislature. I ask unanimous consent that letters received from Y. W. Scarborough, Jr., president of the Atlantic Coast Life Insurance Co. of Charleston, S.C., and accompanying documents be printed in the RECORD. They are with respect to the flyers on food stamps and lobbying on insurance.

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

ATLANTIC COAST LIFE
INSURANCE CO.,
Charleston, S.C., August 24, 1981.

Hon. E. F. HOLLINGS,
U.S. Senator,
Washington, D.C.

DEAR FRITZ: I wrote you on March 20, 1981 opposing Legal Services Corporations formed under the Legal Services Corporation Act of 1974. Enclosed is a copy of that letter which states our case.

I now understand that Senate Bill 1533 by Weicker (R-Conn.) which authorizes appropriations of 100 million for each of the three fiscal years 1982, 1983, and 1984 is now in the Senate Labor and Human Resources Committee. I do hope that you will oppose this Bill if and when you get a chance to do so. Deleting all funds from the Legal Services Corporation will not deprive the poor and disadvantaged of legal services. Local bar associations throughout the United States are providing free legal services for those who are truly in need.

Enclosed is one of many of the type fliers that are being passed out by staff members of Palmetto Legal Services of Columbia and others.

With kindest regards, I am
Sincerely,
Y. W. SCARBOROUGH, Jr.,
President.

PALMETTO FOOD STAMP SERVICE CAN HELP YOU FIGHT BACK!

Some very powerful people in this country are trying to stop the food stamp program. They do not care if the hard-working people don't have enough to eat. They do not care if our children don't have enough milk and juice to drink. All these rich people want is to take more money from us so they can use it for themselves.

Last year, thousands of people were cut off of food stamps by the United States Congress. Food Stamp Supervisors have scared many people away from food stamps by threatening to put them in jail for trying to get stamps. Many caseworkers act very nasty to people so that the people will get angry and stop getting food stamps.

But we should not let them cheat us so easily. Food stamps belong to us by right! We paid for them long ago by our hard work and our tax money. And with the price of food and everything else rising so high, how are we going to pay our bills without any help?

Do you feel that you are being cheated by the Food Stamp Office?

Do you think that you should be getting food stamps, but the folks at the Food Stamp Office tell you that you can't get any?

Do you think that you should be getting more food stamps?

Have you been mistreated by a guard or a caseworker at the Food Stamp Office?

Well, you don't have to take that mess! You should fight for your rights at the food stamp office! Palmetto Food Stamp Service will help you fight!

ATLANTIC COAST
LIFE INSURANCE CO.,
Charleston, S.C., March 20, 1981.

Hon. E. F. HOLLINGS,
U.S. Senator,
Washington, D.C.

DEAR FRITZ: The Home Service Insurance Industry represented by such South Carolina Companies as Liberty, Public Savings, South Atlantic, Atlantic Coast and others, not to mention the many fine out of State Companies, like Life of Georgia, Liberty National, Pilot and others has, and is now facing, real antagonism from various Legal Services Corporations, starting in Tennessee in 1978, followed in Georgia, Florida and now presently in Alabama.

We understand Legal Services Corporations were formed under the Legal Services Corporation Act of 1974. It was the purpose of this Act of Congress to amend the Economic Opportunity Act of 1964 to provide for the transfer of the legal services program from the Office of Economic Opportunity to a Legal Services Corporation established in the District of Columbia as a private non-membership, non-profit corporation, for the purpose of providing financial support for legal assistance ". . . to persons financially unable to afford legal assistance." Part 1612 of the Code of Federal Regulations contains some of the rules and regulations with respect to Legal Services Corporation. Section 1612.4 of such rules and regulations provides in part:

"(a) No funds made available to a recipient by the Corporation shall be used directly or indirectly, to support activities intended to influence the issuance, amendment, or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to influence the passage or defeat of any legislation by the Congress of the United States or by any State or Local legislative body or State proposals by initiative petition.

"(1) An employee may engage in such activities in response to a request from a governmental agency or a legislative body, committee, or member made to the employee or to a recipient; and

"(2) An employee may engage in such activities on behalf of an eligible client of a recipient, if the client may be affected by a particular legislative or administrative measure but no employee shall solicit a client in violation of professional responsibilities for the purpose of making such representation possible; . . ."

It is submitted that contrary to the purpose of its establishment, and even to the published rules and regulations governing its actions, Legal Services Corporation in promoting various hearings, in distributing handbills, and in suggesting to Insurance Departments that they change their rules and regulations, have violated the Act and the rules and regulations governing them.

There are now bills pending in Congress H.R. 6386 and S. 2237 to reauthorize the existence of the Legal Services Corporation and to appropriate funds for its work. It is difficult to believe that Congress, in establishing the Legal Services Corporation to provide legal assistance to persons financially unable to afford legal assistance, contemplated that those funds would be used to influence attacks upon industry whose taxes support it or regulations of state agencies or legislation of the various states. To permit Legal Services Corporations to function thusly should serve as a warning and an example to other business and/or industries that personnel of Legal Services Corporations might choose them as targets.

For the benefit of the insurance industry and its policyholders and other businesses and/or industries, it is recommended that the bills now pending (H.R. 6386 and S. 2337) to be amended to restrict Legal Services from continuing these activities. Such action would not be unlike the restrictions placed upon the FTC earlier this year wherein your assistance meant so much.

If more information is desired, let us hear from you.

With kindest regards, I am
Sincerely,
Y. W. SCARBOROUGH, Jr.,
President.

Mr. HOLLINGS. Mr. President, it could well be that the insurance issue needs to be changed, needs to be lobbied, but not with taxpayers' money that is intended for landlord-tenant, for domestic, for contract cases and those fundamental difficulties that the poor and the disadvantaged are faced with every day and attorneys are not available to them. I do not know why that happens. Doctors, under the Hippocratic oath, are supposed to come, but you cannot get them; you have to get yourself to the doctor and to the hospital. Now, in our society, it is the same with lawyers.

When we graduated, we were always assigned a criminal term. They just called you up and told you, "Be over at the courthouse in an hour because you have a case to try," and you thought nothing about it and immediately, you attended and started trying the case. You were not compensated for it or anything else. That was part of the professional nature of the medical profession

and the legal profession. Now it is all institutionalized. We have defense counsel, legal services, we have this and that. Society has gotten so complex.

As I say, those who cannot afford it should not be denied their right to access. We certainly finance the access of the rich to legal services in our society. I am trying to get an accurate figure from the Internal Revenue Service whereby we can document the writeoffs of all of these corporations. For one reason, Occidental appeared on the front page the day before yesterday, saying, "I am not going to pay a corporate tax."

If we did not have a corporate tax law, we would not have all kinds of provisions for corporations to participate in abstaining from our Government services in this society. On the contrary, we have written all these affirmative action policies within the law to say that should be taken from the revenue, that should sustain that particular endeavor; namely, legal services to the rich for all of these Washington lawyers and around the country are written off in terms of hundreds of millions of dollars, far in excess of what we are now asking for legal services for the poor.

Mr. President, I just say that because of what has been flowing into my office—and in order to make an accurate record here—I think there is good basis for the amendment of the Committee on Appropriations. We make it plain that these moneys are not for lobbying, they are not for class actions, they are not for solicitations of Congresses and legislatures, all those solicitations we love and adhere to and listen to. That is not the purpose of the Legal Services Corporation instituted by the American Bar Association, which has had bipartisan support over the past 10 years. It has worked, on balance, very, very well.

We have been riding herd on it in the subcommittee on appropriations for the past several years. We have been cleaning it up and when we get the least indication that it is not within the bounds of its statutory directives, we put in the kinds of provisions that we have here in the committee amendment. We also provide that the majority of the particular legal services board in that community shall be comprised of attorneys that are members of the bar in that particular community.

We are not trying to change around society and zoom in a bunch of South Carolina attorneys into the New York scene or the Boston scene and tell them, here is a bunch of class actions and we think we ought to clean you up in Boston.

We do not want Boston lawyers coming down to Charleston and saying, "Now, we have a bunch of attorneys that the taxpayers are supporting to tell them how to bring class actions, put out pamphlets," and everything else about the services of that kind. That totally destroys the program and that is why we are where we are today.

I hope we can support these amendments and support these appropriations for Legal Services.

Mr. WEICKER. Mr. President, I ask unanimous consent that my amendment, which is the pending business, be withdrawn.

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

The amendment (No. 629) was withdrawn.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I rise in support of the provisions in this bill on the Legal Services Corporation. This is a program which I have followed very closely during my service both on the Judiciary Committee and on the Labor and Human Resources Committee. Its development and continuation have always been a high priority with me and many of my colleagues.

I hope we will continue our strong commitment to this vital program. Through the Legal Services Corporation, our Nation has insured that the millions of people who would be denied access to the legal process have an opportunity to present their concerns and their injustices to the courts of this country for impartial adjudication.

If we are truly to be a nation under laws, we have to insure that access to the legal system is not limited to the wealthiest individuals in our society.

Mr. President, I am pleased that my colleagues on the Appropriations Committee chose to fund the Legal Services Corporation in this bill. I commend them for their wisdom in continuing this vital program. It is a program that not only benefits the poor—by providing essential legal aid—but also benefits our entire society—by insuring that equal justice for all Americans is in fact provided by our society.

Let me say that I would have preferred continuing to fund the program at its current level. I recognize, however, that many of my colleagues believe that all programs must suffer a budget cut to reduce Government spending. I also do not believe that the provisions in the bill restricting the activities of the Corporation are necessary. I believe that any abuses that may have occurred have been minimal. I do not believe that we should limit the actions of legal services agencies. Nevertheless, I recognize the concerns of many of my colleagues about these issues and I recognize that their support is necessary to continue the program.

Since its creation in 1975, the Legal Services Corporation has gradually extended legal assistance to poor people across the country. Six years ago, the Corporation set a goal of equal access for all poor people in this country to legal services. Last year, the Corporation achieved its goal by providing two attorneys for every 10,000 poor people. They accomplished that goal by using their funds efficiently and effectively. Less than 3 percent of their budget went to administrative costs. I challenge my colleagues to discover a more efficient program. Last year, they served 1.2 million people—with the vast majority of those cases involving food, shelter, health, and income—the basic necessities of life.

Let me emphasize that these recipients are the truly needy that President Reagan has so often spoken of. Eligible individuals must earn less than $4,700. Eligible families of four can earn no more than $9,300. Studies have demonstrated that an individual can simply not afford a private attorney with an income below $10,000.

The private bar cannot replace the services provided by the Corporation. I certainly agree that the private bar has a responsibility to the poor. In recent years, the bar, in cooperation, has dramatically expanded pro bono services. Further significant expansion is neither possible nor likely. Before the establishment of the Corporation, we relied exclusively on the generosity of the private bar. It was not enough then. It will not be enough now.

Nor can State and local governments be expected to take up the slack if the Corporation was not continued. The burdens placed on their budgets by the Reagan budget plan is already immense. Only last week, three Governors—one of them a Republican—told the Congress that the burden already placed on them was more than enough.

We cannot deny that without the legal services program, many poor people would be denied effective access to our system of justice. And the consequences of that denial are enormous:

Children are forced into programs for the mentally retarded without any evaluation of their intelligence.

Mothers are left without money to feed their families when a benefit check does not arrive.

Elderly people live in unheated apartments because their landlords have not paid the utility bill.

President Reagan's vaunted safety net will mean little to the poor without the means to enforce it—legal services programs.

In this society of 1981, we cannot afford to step backward to a time when the poor were denied equal access to our system of justice. We cannot return to a time:

When poor consumers were victimized by fraud;

When elderly Americans were denied their legal benefits;

When thousands of other less fortunate Americans were further disadvantaged because they could not afford a lawyer.

We cannot return to the days when the principle of equality before the law was a fundamental principle in our country—unless you were poor.

Mr. President, I commend those legal services attorneys for their fine efforts over the last 6 years and I again commend the Appropriations Committee for allowing those efforts to continue. I intend to support the committee's recommendations. I hope my colleagues in the full Senate will follow suit.

Mr. WEICKER. Mr. President, I think I should give fair warning to my colleagues that it is my intention now to move the committee amendment and that those wishing to amend should make their feelings known.

It is not my desire here to slide anything through. I know there are Senators who have amendments and want

a vote. I am prepared to have votes this morning, one right after the other.

I have tried to find out if there is anyone who wishes to speak at this time, and I understand there is not. So I am going to call for a quorum; and if there is no response in a few minutes, it is my intention to go ahead and move the committee amendment.

I yield the floor.

Mr. DURENBERGER. Mr. President, there is no question that every Member of this body is committed—fully committed—to equal rights for all Americans. We reaffirm the existence of those rights in the actions we take every day on the Senate floor.

The problem here is that rights without remedies have no value. The court system in this country is the ultimate mechanism in our system of government for vindicating legal rights drawn from the Constitution, the common law, and the acts of Congress. When any American lacks access to the courts, they lack access to the freedoms and benefits of this society as a whole.

President Nixon recognized that fact when he created the Legal Services Corporation. President Ford reaffirmed it when he appointed a Board of Directors that carried LSC programs to every part of the Nation. I would be the last to deny that the LSC—like every other Federal agency—has made its share of mistakes. But to use these mistakes as an excuse to kill the organization, and cut millions of Americans out of the legal process, is classic overkill. Former President Nixon understood the alternative when he said that—

Justice is served far better and differences are settled more rationally within the system than on the streets.

Congress chose the wise alternative when it created LSC 10 years ago, and we are confronting exactly that same choice today.

Mr. President, I come from a State where the LSC has worked and worked well. Last year, it provided more than 40,000 Minnesotans with access to the legal system—access they could not achieve with their own resources. Some of these litigants were right and some were wrong. But the critical fact is that their rights were resolved within the legal system, and not by a barrier of poverty that denied them access to that system.

For example, in the Anoka and Moorhead areas, Minnesota has pioneered the judicare system, which delivers legal services through a combination of legal service staff and private bar involvement. In the remainder of the State, more traditional staff-based delivery systems have operated effectively for nearly a decade, opening access to the legal system for tens of thousands of Minnesotans. The success of these programs has drawn growing support from the private sector. In fact, the Legal Aid Society of Minneapolis now draws roughly half its operating budget from sources other than the Federal Government.

The Legal Services Corporation is certainly no more immune to budget restrictions than any other Federal program. But the appropriation reported by this committee already represents a 33-percent reduction from last year's funding—one of the sharpest cuts dealt to any Federal program. Deeper cuts would threaten the integrity of the program itself. Should this appropriation be stricken, legal aid in urban Minnesota would lose half its operating budget. The impact in outstate Minnesota would be even more severe, with newly established programs losing up to 95 percent of their funding. Abolition of these programs would place an insuperable barrier between millions of Americans and enforcement of rights basic to our society. It is a result we cannot tolerate if we are to remain a society of laws and not of men.

Withdrawal of funding is not the only mechanism that can destroy the integrity of the program. It can be destroyed just as effectively by the package of stringent operating restrictions placed on the Corporation by the House of Representatives. These restrictions create a dual system of law in this country, one for the rich and one for the poor—separate and unequal. Where there are administrative problems in the Corporation, they should be addressed by the Board and the Corporation's Administrators. I am sensitive—very sensitive—to the argument that this and other agencies can easily become independent sources of unelected political power. But I cannot believe that the kind of people this administration will appoint to the Corporation's Board would tolerate that result. Legal Services attorneys do not want it, and if Congress performs its oversight role, it is a result that will never occur in any administration.

These restrictions carry a simple message—that lawyers for the wealthy shall have more power than lawyers for the poor. That message is inconsistent with the very concept of equal justice under law.

Mr. President, I do not believe that the Federal role in legal services is likely to be a permanent or even a long lasting role. As the program develops, based on what we have seen in my State, I am confident that it will continue to draw greater public support and greater involvement from the private bar. But it is every bit as clear that as strong as its efforts have been, the private sector is not yet ready to carry the full load. The Legal Services Corporation has earned a right to continued existence, and I urge my colleagues to affirm that right by voting with the committee amendment.

THE LEGAL SERVICES TO THE POOR A SOCIAL POLICY IN NEED OF A NEW PROGRAM

Mr. HATCH. Mr. President, a social policy which is eventually debated and passed by Congress normally has the assurance it will benefit our total society, not merely its targeted benefactors. When this body approved the passage of the Legal Services Corporation Act, it did so because of this Nation's belief that no citizen should be denied access to our justice system because of his or her financial status in life. I believe the furtherance of that value is as important today as it was 16 years ago when we passed the Legal Services Corporation Act.

While this body has the profound responsibility of developing social policy, it also has the responsibility of reviewing that policy to see if it continues to promote the general welfare of our society. I strongly believe that the Legal Services Corporation is one of those social policies which now needs close scrutiny and action by the 97th Congress.

During my tenure, I have seen this body continually hear of abuses on the part of the Legal Services Corporation which has affected various segments of our society. Each year the problems grow and multiply, and each time this body passes amendments aimed at eliminating the abuses by the Legal Services Corporation.

All of us have agonized over our dilemma that, on the one hand, we deeply believe that no American should be denied access to justice, and on the other hand, the abuses brought on to others by the Legal Services Corporation. Because we are emotionally and intellectually torn, we have allowed the abuses to escalate. If this body is to be faulted, it is because we have erred on the side of our commitment to justice. At this time, painful it might be, we must ask ourselves: Has our judgment been colored by our wishful thinking that the problems created by Legal Services will go away? The evidence is clear that in spite of what this body has done to curb the abuses on the part of the Legal Services Corporation, they have gone unheeded and it is clear the Corporation is incapable of controlling itself.

Now then, we must ask ourselves: Do we not have a duty to examine this social policy which, while on the one hand, had noble intentions in providing legal services to the poor people, and on the other hand, it has had an adverse affect on other groups of our society. I will not go into detail, but for the RECORD I would like to submit examples of some of the abuses.

I believe this body not only has the duty, but the responsibility as well, to promulgate social policies which have the welfare of society in general and to curtail or change a policy when it places an undue burden upon other members of that society. While this body has attempted over the years to correct the abuses of the Legal Services Corporation without success, it is vital that this body act today in assuming our responsibility for solving the problem by eliminating the funding of the Legal Services Corporation.

Examples of abuse follow:

LEGAL SERVICES CORPORATION ABUSES

1. Legislative advocates for veteran organizations in seeking redress in exposure to agent orange and nuclear fallout cases.

2. Help Passamaquoddy and Penobscot Indians sue for possession of a good portion of the State of Maine, which would have displaced 350,000 persons.

3. Sued U.S. Steel to prevent shutdown of an unprofitable plant.

4. Eight point plan to defeat President Reagan's economic pack.

5. In Utica, New York farmers are being sued on behalf of Omeida Indians for return-

ing roughly 5,000,000 acres of land. This case pits poor land owners against poor Indians.

6. In northeast Ohio Legal Services turned away indigent would-be clients in order to pursue litigation preventing U.S. Steel from closing its plants, or alternately allowing sales to a worker-community group that would seal federal funding.

7. California Rural Legal Services litigated on behalf of 19 farm workers to challenge the entire California system of publicly sponsored agriculture research to produce more efficient farm machinery, claiming it was displacing migrant farm workers.

8. Worked against the legalization of prayer in public schools. How does this help the poor of America?

9. Sued CSA for nine poor plaintiffs and collected $18 million. Only $2000 of this money was received by the plaintiffs.

10. Said State of Connecticut had "the legal responsibility to provide medical care" for a person to receive a sex change operation.

11. Used 50 percent of budget on two class action cases while 3,998 cases split the other half of the agency's budget.

12. Defended Ku Klux Klan members in civil rights case.

13. In June, 1979, an article appeared in the New York Times outlining a suit by Michigan Legal Services to compel the federal government to define "black English" as a separate language and to therefore provide mandatory remedial language training to all blacks.

● Mr. DANFORTH. Mr. President, I am pleased to be able to join today with a large, bipartisan group of Senators to support the Appropriations Committee's proposal for continued funding for the Legal Services Corporation.

While this proposal reduces the current level of funding for the Legal Services Corporation by 25 percent, it still assures that the Corporation will be able to provide a minimum level of access to our system of justice. Moreover, it assures that the legal services program will operate in accord with the original intent of Congress. It addresses the concern of many in the Senate as to the scope of legal services activities, without limiting the ability of Legal Services attorneys to represent their clients effectively.

Mr. President, I urge my colleagues to support the committee's action providing for the continued operation of the Legal Services Corporation, because of the essential role this program plays in our system of justice. Perhaps the most noble of our Nation's historical commitments is to assure equal justice for all citizens. The Legal Services Corporation, operating as an independent entity, enables us to honor this commitment—fulfilling the mandate of Congress to provide effective legal representation for those who would otherwise be unable to afford it. Absent the legal services program, many Americans would go without representation—simply because they are poor.

Indeed, the need among low-income citizens for civil legal assistance exceeds the level of services currently provided by both the Corporation and the private bar. Elimination of the Corporation and its funding could further impair the rights of the disadvantaged to equal justice under the law. The voluntary effort to provide the poor with access to our justice system, while significant, is not sufficient to meet the needs of the poor, and it is unrealistic to expect the States to step in. Accordingly, we must continue to meet our commitment with the Legal Services Corporation.

To be sure, the legal services program has always generated a great deal of controversy, even though the overwhelming majority of legal service cases have concerned routine matters—resolved without litigation. However, much of this controversy has been inevitable because effective legal representation of a client often requires confronting powerful intrests—public and private. Such confrontations and conflicts are inherent parts of our adversarial system of justice, and it was to shield legal services from the repercussions generated by such adversarial confrontations that the independent Corporation was created.

At the same time I must note that the Legal Services Corporation has also generated controversy of another sort by engaging in activities that have carried it away from its primary purpose. Much of this controversy has been provoked by the lobbying activities of Legal Services attorneys. Like many of my colleagues, I have been concerned about such activities. While I believe that Legal Services attorneys must be free to pursue actively the claims of their individual clients, it becomes another matter when they engage in comprehensive lobbying campaigns. This problem is effectively addressed in the committee's proposal.

One other source of controversy has been interference by outside organizations and interest groups. I have been concerned about assuring local control of the legal services programs without such interference. The committee's proposal establishes requirement of such control and meets this need.

Accordingly, I support the committee's action as to the continuation of the legal services program, and I urge my colleagues to join me. It is a matter of simple justice.●

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

Mr. WEICKER. Mr. President, we are prepared to vote on the committee amendment, and I urge my colleagues to come to the floor and present their amendments.

I know that Senator COCHRAN is here and ready to proceed. I hope that others who wish to proceed would do so now.

I am going to suggest the absence of a quorum, but I am also under the importunings of the majority leader, who would like to have this matter proceed. He said that if it does not proceed, I should move the question. I do not want to do so; that means we have to have someone here on the floor, presenting an amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WEICKER. Mr. President, I move the committee amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WEICKER. Mr. President, the ranking member and myself agree that the pending business, the committee amendment which is the pending business, be temporarily laid aside.

The PRESIDING OFFICER. The amendment is laid aside.

The question is on agreeing to the first committee amendment.

UP AMENDMENT NO. 621

(Purpose: To strike the appropriation for the Legal Services Corporation)

Mr. DENTON. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Do the managers lay aside temporarily all committee amendments for the consideration of floor amendments?

Mr. WEICKER. The ranking Member and myself agree that all committee amendments be temporarily laid aside.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. DENTON), for himself, Mr. HATCH, Mr. HUMPHREY, Mr. MCCLURE, Mr. HELMS, Mr. NICKLES, Mrs. HAWKINS, Mr. THURMOND, Mr. HAYAKAWA, Mr. SYMMS, and Mr. LAXALT proposes an unprinted amendment numbered 621:

On page 32, beginning with line 19, strike out through line 10 on page 36.

The PRESIDING OFFICER. The amendment that the Senator has sent to the desk attempts to strike House language plus a committee amendment that has been laid aside. Therefore, it is not in order without unanimous consent.

Mr. WEICKER. Mr. President, if I might, through the Chair, direct my comments to my good friend, the Senator from Alabama. It is my understanding that it was his intention to amend the monetary amounts in the bill relating to legal services. As a matter of courtesy to the Senator from North Carolina and others, I laid the committee amendment aside.

If he would so modify his amendment to deal with the monetary amount, I would have no problem. Obviously, if we are going to get back to the language, then we are right back to the point which I tried to resolve on behalf of the Senator from Alabama and the Senator from North Carolina and others.

Mr. DENTON. Mr. President, I wish to make clear to the Senator from Connecticut that the effect of what I am trying to do now would, as he will see from the rest of my remarks, result in what he and I agree upon.

I ask unanimous consent that this amendment be in order at this time.

Mr. WEICKER. I would respectfully ask that the Senator from Alabama modify his amendment with respect to the dollar amount that he seeks to amend, otherwise it is my understanding the amendment is going to be out of order and I would not agree to a unanimous-consent request. The committee amendment is not up for amendment at this point.

Mr. HELMS. Will the Senator from Alabama yield to me?

Mr. DENTON. I yield to the Senator from North Carolina.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. HELMS. I object.

The PRESIDING OFFICER (Mr. DURENBERGER). Objection is heard.

The legislative clerk resumed the call of the roll.

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

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

Mr. HELMS. Mr. President, I am about to propound a unanimous-consent request. I would invite the attention of the distinguished Senator from Connecticut. If he has objection, of course, I will withdraw it. I believe it will get us out of this parliamentary maze.

I ask unanimous consent, Mr. President, that we return to committee amendment No. 7; further, that the committee amendment be agreed to; and, further, that the language be considered original text with no point of order being considered waived, and that the amendment by the distinguished Senator from Alabama (Mr. DENTON) therefore be in order.

The PRESIDING OFFICER. Is there objection?

Mr. WEICKER. Reserving the right to object, might I just suggest—and I think I might not object—for about a minute the absence of a quorum so that the distinguished Senator from North Carolina and I can discuss a certain point?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, the Senator from Alabama wishes to modify his amendment, which will take care of the parliamentary situation in another way. Therefore, I withdraw my unanimous-consent request.

The PRESIDING OFFICER. The request is withdrawn.

UP AMENDMENT NO. 621, AS MODIFIED

Mr. DENTON. Mr. President, I send a modification of the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be so modified. The amendment, as modified, will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. DENTON), for himself, Mr. HATCH, Mr. HUMPHREY, Mr. MCCLURE, Mr. HELMS, Mr. NICKLES, Mrs. HAWKINS, Mr. THURMOND, Mr. HAYAKAWA, Mr. SYMMS, and Mr. LAXALT proposes an unprinted amendment numbered 621, as modified.

On page 32, on line 23, strike out "$241,000,000".

Mr. DENTON. Mr. President, my amendment would delete funding from the State, Justice, Commerce, and Judiciary appropriations for the Legal Services Corporation.

As I have said many times before, I strongly believe that the poor have legitimate requirements for legal assistance. To some extent, we can meet these requirements through alternative sources, such as the Older Americans Act and title XX. In my judgment, the most appropriate way to deliver legal services to the poor would be through increased pro bono participation on the part of the private bar.

While I am not opposed to a limited and appropriate Federal role in helping provide the services, I have four reasons for my belief that funding for the Legal Services Corporation should be deleted from this appropriations bill.

First, there is currently no authorization for the Corporation.

Second, the record shows that the Legal Services Corporation has immersed itself in social activism.

Third, the Legal Services Corporation has no real accountability imposed upon it.

Fourth, this appropriations bill, itself, could be a target of a veto if substantial cuts are not made.

Mr. President, I am going to expand now on each of these four points.

First, there has been no authorizing legislation for the Legal Services Corporation since September 1980. The Corporation was one of the few programs to benefit from the fact that the Federal Government operated on a continuing resolution through fiscal year 1980 and it still continues to receive funds in this fashion.

There is an authorization bill, S. 1533, on the Senate calendar which extends the Corporation at $100 million for each of the next 3 years. Consideration of this authorizing legislation should take place before we consider appropriations for the Legal Services Corporation. We simply do not have the time to debate many of the issues surrounding the Corporation on an appropriations bill, nor do we have the freedom to add enforceable restrictions or offer alternative means of delivering legal services such as judicare, tax incentives for private attorneys, or a block grant approach, like that originally requested by the President.

The decision as to the precise form legal assistance is to take should be considered in due course prior to this usurpative appropriation.

Second, in addition to the impropriety of prospective usurpation, there is special need to examine this controversial program. This Senator agrees with the President of the United States that the Corporation is not the proper vehicle to provide Federal financing of legal assistance to the poor.

Mr. President, the Legal Services Corporation has engaged in social activism. The list of social engineering endeavors of the Corporation is long, but I will cite a few examples. The LSC has worked to secure approval of a Massachusetts measure to establish a graduated income tax; to exert pressure on behalf of more Federal money for food stamps and related programs; and to lobby against the adoption of President Reagan's economic recovery program. In addition, the Corporation's recipients have sued to return part of the State of Maine to the Passamaquoddy and Penobscot Indians, have sued U.S. Steel in order to prevent the shutdown of an unprofitable plant, and have sued to prevent the University of California from engaging in research to develop labor-saving farm machinery.

All this has been done in the name of their nominal responsibility of providing legal services to the poor who require them. Social change is something that takes place in this country naturally and falls within the responsibility of the legislatures and Congress, precisely because these bodies are comprised of elected officials answering to the taxpayers of this country. The Legal Services Corporation has no such authority or responsibility.

My third point is that the Corporation is not subject to an effective system of accountability. The members of the Corporation, by past performance, have no apparent desire to enforce the policy guidelines laid upon it by Congress. Time and time again, Congress has found it necessary to put restriction after restriction on the use of funds by the Corporation in an attempt to get the Corporation on the track originally intended. I have no objection to the funding restrictions currently being proposed for the activities of the Corporation, if we were taking all the amendments that have been proposed for that purpose. However, given the LSC's track record, the nominal assignment of additional restrictions to it would be useless. We must use more than the pen if we wish to effectively prohibit the Corporation from promoting its questionable causes.

Finally, Mr. President, the total funding level of the bill we have before us—the overall appropriation bill—is almost $450 million above the President's September budget request. As late as this past Tuesday, the President indicated his intention to veto any appropriations bill that exceeded his budget. By eliminating the $241 million for the Legal Services Corporation, we can cut the excess in H.R. 4169 by over half. We in the Congress must take action to eliminate wasteful spending if we are to avoid national bankruptcy.

I must say again that a bankrupt nation can provide no services to the poor.

All of us will be poor. We are looking at a $1 trillion national debt, with increasing deficits anticipated beyond that.

I have been assured by the White House of their unequivocal support for this amendment. The Director of the Office of Management and Budget has also written a letter endorsing my amendment. I ask unanimous consent that the letter be printed in the RECORD.

I hope that my colleagues will support this amendment.

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

OFFICE OF MANAGEMENT
AND BUDGET,
Washington, D.C.

Hon. JEREMIAH DENTON,
U.S. Senate,
Washington, D.C.

DEAR JEREMIAH: This letter expresses the Administration's position on appropriations for the Legal Services Corporation. As you know the authorization for the corporation expired at the end of fiscal year 1980.

The Administration strongly opposes the funding of the corporation and has not recommended funding in fiscal year 1982. Legal services are an authorized activity for funding within the social and community services block grants. Under these financing mechanisms States have broad discretion to finance an array of social services based on an assessment of local and individual needs. We believe there would be sufficient funding for these activities at the levels we recommended for 1982.

Additional funding for such activities in the State, Commerce, Justice appropriation would maintain a narrow categorical program and increase federal spending. Therefore, we support amendments to delete funding for this unauthorized program from the pending appropriations bill.

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. DENTON. Mr. President, I yield to the distinguished Senator from South Carolina who has a brief statement to make.

Mr. THURMOND. Mr. President, today, I rise to express my support for the amendment offered by my distinguished colleague from Alabama (Mr. DENTON) to delete funding for the Legal Services Corporation.

As I have stated on several occasions, I support the overall goal of equal access to the courts for the poor. However, I do not feel that the present system of providing Government aid for this effort through the federally-financed Legal Services Corporation is the most desirable means of meeting that goal. This Corporation, originally designed to give aid to those Americans too poor to afford legal help in such basic matters as settling disputes with their landlords, or domestic relations problems such as divorce and child support, has instead become a weapon used by social and judicial activists in an unending battle against the very Government that funds their activities.

Rather than attending to the legitimate, basic legal needs of the poor and disadvantaged, the grantees of the Corporation and their employees have repeatedly misued taxpayer dollars to promote their own ideals of social justice or change, using the poor they represent to obtain standing in their suits. Nor is this problem a temporary phenomenon, or one which could be easily remedied through legislation.

On several earlier occasions, Congress has attempted, through amendments to the Legal Services Corporation Charter, to restrict Corporation attorneys and other employees to proper legal assistance activities. Unfortunately, many Legal Services staffers have continued to ignore their charter, or interpreted it to suit their own purposes and notions of social activism, and I honestly do not feel that any new restrictions will substantially change this fact. It is partly because of this continued, serious misuse of public funds that I oppose further funding of the Legal Services Corporation at this time.

I believe that the task of providing basic legal services, if it is a responsibility of Government at all, is a responsibility which should be borne primarily by the States, local communities, and bar associations.

The administration supports the decentralization of Legal Services Corporation authority. Under such a proposal, State and local units of government, in cooperation with local bar organizations, would assume the responsibility for providing these services. This is an approach with which I wholeheartedly agree. The existing Legal Services Corporation provides no assistance which cannot be more efficiently and directly made available by State and local sources, possibly assisted to some extent by Federal funds. Furthermore, the resulting more localized administration of the programs would allow for a more effective review of the wayward activities of some program attorneys and other employees.

In conclusion, Mr. President, I hope my colleagues support the amendment which has been offered by the Senator from Alabama (Mr. DENTON). I remain convinced that experimentation on behalf of novel legal theories and rights, where it is pursued, should be pursued through the private sector, not with Government funding supplied for the purpose of helping lower income Americans with basic legal services.

Mr. President, I repeat, I think this is a matter for the States, the local communities, and the bar associations and not the primary responsibility of the Federal Government. The Federal Government has enough responsibility as provided in the Constitution and should not be called upon to provide services in any of the communities which are primarily the responsibility of the States, local communities, and local bar associations.

Mr. DENTON. Mr. President, I thank the distinguished Senator from South Carolina and regard his remarks as particularly valuable, since he is the chairman of the Committee on the Judiciary.

I yield now to the distinguished Senator from Iowa.

Mr. JEPSEN. Mr. President, I rise in support of the amendment of the Senator from Alabama. There are many examples of well-intentioned activities of legal services around the country, but all too frequently, in many cases, the end results have been disastrous.

Just last week, on November 6, 1981, there was a press release put out from the Governor's press office in the Commonwealth of Pennsylvania, and I should like to read from it:

Gov. Dick Thornburgh today expressed his gratitude at the safe release of the remaining hostages at Graterford State Prison.

"I am sure that all Pennsylvanians joined me in our prayers on behalf of these hostages and their families," the governor said.

Then we go down to the point at hand. Here again, I am quoting:

"While we have achieved the most important result of obtaining the safe release of the hostages, there are lessons for the future to be learned from this situation which should not be ignored," he added. The governor said he believed there were at least four such immediate lessons.

I quote again, because it is very important:

"The ringleader in the attempted escape and hostage-taking is a three-time convicted murderer," he said. "He murdered a police officer and, while in prison, murdered a warden and deputy warden. Nevertheless, Community Legal Services of Philadelphia insisted upon pushing for a court order in 1975 requiring that this convict be returned to the general prison population at Graterford. More disturbing, the Shapp administration agreed to have this order entered over the strong objections of its own professional correction officials.

"Thus, one lesson that must certainly be taken from this situation is that never again should government permit 'cause' groups, or even the courts, to place the purported rights of vicious criminals above the safety of law enforcement and correction officers without the strongest possible opposition."

Mr. President, I thank the Senator.

Mr. DENTON. Mr. President, I thank the distinguished Senator from Iowa for those highly relevant remarks, which indicate the degree to which the Legal Services Corporation has participated in the victory of the criminal over the victim.

I yield now to the distinguished Senator from New Hampshire for some remarks. He is on the Subcommittee on Labor and Human Resources, which delivered the bill which is still pending, about which you have heard.

Mr. HUMPHREY. I thank the Senator from Alabama.

Mr. President, I strongly support the amendment presently pending. The Legal Services Corporation is under the jurisdiction of the Labor and Human Services Committee which has reported out legislation authorizing the Corporation. That legislation should be the vehicle for debate rather than this appropriation bill.

There is simply no doubt that the Legal Services Corporation has abused its charter, and has engaged in activities over the years which were not only not intended but explicitly proscribed by the Congress.

There is an essential problem with the Legal Services Corporation, Mr. President. That is its independence. I know that there are those who argue that the independence of the Corporation was intended deliberately by the Congress, but in the opinion of this Senator, the Congress never has any business using taxpayer funds to fuel an entity over which

it has no meaningful oversight capability.

That is the problem with the Legal Services Corporation, Mr. President. It is so independent that this body, the Congress, has no meaningful oversight capability. That is why we have abuses year after year, notwithstanding our efforts to curb them through legislation. The essential problem is the independent nature of this corporation.

Let us fund legal services through a block grant or some other means, but let us finally put to rest this mischievous corporation, which should never have been created in the first place.

I thank the Senator from Alabama for yielding, Mr. President.

Mr. DENTON. Mr. President, I deeply respect my colleague from New Hampshire and I share in the sentiments he just expressed.

Mr. NICKLES. Mr. President, will the Senator yield for a question?

Mr. DENTON. I am happy to yield to my friend from Oklahoma.

Mr. NICKLES. The Senator stated that the bill before us today is how much over the September request?

Mr. DENTON. Almost $450 million.

Mr. NICKLES. If the Senator's amendment were adopted, that would save the taxpayers how much money?

Mr. DENTON. Two hundred forty one million dollars. Then we would take up the authorization bill on the Senate calendar, which has not yet been acted upon.

Mr. NICKLES. So we would save well over half what this bill is actually over the President's request, and then we would take up Legal Services in the authorization process, as we do with respect to every other agency.

Mr. DENTON. In the normal order of things. The Senator is correct.

Mr. NICKLES. With the approval of the Senator from Alabama, I ask unanimous consent that my name be added as a cosponsor of the amendment.

Mr. DENTON. I appreciate that, and I thank the Senator from Oklahoma.

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

Mr. NICKLES. Mr. President, in addition to being opposed to H.R. 4169 because it is almost $450 million over the target figure for the President's September request, I oppose H.R. 4169 because a vote for H.R. 4169 would be a vote in favor of the reauthorization of the Legal Service Corporation as a separate entity.

I am certain that the poor, the handicapped, the elderly, and the minorities of this country still encounter discrimination and legal difficulties in their everyday existence. We have a certain responsibility to help those who do not have the means available to insure that their basic human rights are not violated. However, I do not feel that the Legal Services Corporation, in its present form, is the most appropriate Government response to such need.

When it was originally chartered in 1974, the Corporation was to represent the poor in basic day-to-day legal disputes such as family law, landlord-tenant problems, employment cases, and consumer litigation. However, certain case examples have shown that either this simple charter is either an impossibility to fulfill because of inherent contradictions or that it is too simple, with certain social-reform minded participants using it to achieve what they feel are appropriate social ends.

Whatever the case, the result has been disillusioning and disturbing. Despite an attempt by Congress to give guidance to the Corporation as what is appropriate involvement and what is not, there exists what appear to be flagrant violations.

For example, section 1007(b)(7) of the Legal Services Act of 1974 forbids the Corporation from making funds available to "initiate the formation; or act as an organizer of any association, federation, or entity." However, in the December 1979 issue of the Corporation-funded Research Institute on Legal Assistance publication, Clearinghouse Review, the Corporation solicited members for a "national coalition, citizens for tax justice * * * to promote those programs active in tax reform activities." One would be hardpressed not to call this initiation or organization.

Also, this past May, the Office of Management and Budget documented the Corporation's widespread violation of Federal laws prohibiting lobbying. They found that through the use of State and local recipient organizations, the Legal Services Corporation developed an extensive lobbying campaign to support its reauthorization legislation. This was explained in a memo from Alan Houseman, Director of the Research Institute on Legal Assistance, which states that the group would be "increasing the Washington lobbying efforts of the Corporation * * * to successfully obtain support from Congress for the continuation of an aggressive legal services program." We cannot continue to tolerate such violations of this organization's own charter.

The Corporation charter also prohibits training or encouraging political activism, strikes, or demonstrations. But attorneys of the Florida Rural Legal Services have been active in organizing rent strikes.

They have also violated their charter by participating in a suit to integrate South Boston high school by forced busing.

The Corporation's charter also expressly prohibits the use of Corporation funds for "providing legal assistance with respect to any proceeding which seeks to procure a nontherapeutic abortion." However, by challenging State abortion laws and seeking Government funding of abortions which could hardly be called therapeutic, the Corporation again deviated from its stated purpose.

Legal Services has even represented the Klu Klux Klan, litigated on behalf of disability payments because of homosexuality, racial quotas in medical school admissions, and the mandatory hiring of heroin addicts by the New York Transit Authority. These cases seem abhorent to the spirit of the original act, an act designed only to provide legal aid necessary in basic everyday problems—not to lobby and litigate for social reform.

I do not think that the abuses I have mentioned can be corrected by more restrictions in the Legal Services statute. This has not worked in the past and I have no reason to think that it will work now. The very establishment of the Corporation as a separate structure not under the authority of any governmental department is at the root of the problem. In addition, trying to manage and oversee such a delicate and diverse task from the Federal level is itself an impossibility.

In my opinion, the best solution to the problem of how to best provide legal advice and assistance to those in need is to make funds available to the States. From their closer vantage point, they can make more intelligent decisions as to where the true needs exist and can monitor for abuse more effectively.

Let us be willing to call a bad apple bad, and not keep funding something which has shown itself to continually abuse the funds it receives. The American people are looking to Washington to get its house in order. This is a very good place for us to begin.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. Mr. President, I ask unanimous consent that Senator EAST be added as a cosponsor to the list including Senators HATCH, HUMPHREY, MCCLURE, HELMS, NICKLES, HAWKINS, THURMOND, HAYAKAWA, SYMMS, and LAXALT.

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

● Mr. LAXALT. Mr. President, I oppose continued funding for the Legal Services Corporation for two reasons. First, I think that any Federal funding for legal services programs should be authorized through block grants made to the States, with final authority for making funding priorities at the State level. Second, the Legal Services Corporation has conducted activities which raise serious questions about the level of services provided to those truly in need of free legal assistance.

The emphasis of the budgeting process during this Congress has been on returning responsibility to the States. In addition to giving States a greater role in the management of programs, we have given them increased responsibility to determine the priorities among a variety of beneficial programs requesting grants from Government.

We have long recognized that the regional differences require special consideration before the imposition of national standards. What is appropriate in the Northwest may be ridiculous in the South. Further, from State to State there are different levels of need for the services traditionally supplied by Government. By tailoring programs to specific needs, we can provide essential services without wasteful overlap or inefficient administration.

As the Federal budget is trimmed, and each dollar is carefully scrutinized to insure that it is spent effectively, special attention must be given to State assessment of the need for various programs. Categorical funding substitutes the distant decisionmaking of the Congress for

the hands-on judgment of State and local government.

In addition to the argument that the form of funding under which we will authorize Legal Services Corporation is undesirable, there are valid arguments against the continuation of the Corporation itself. There is an acknowledged need for free legal assistance for those who cannot afford to pay. The American Bar Association Code of Professional Responsibility recognizes the individual duty of each attorney to provide pro bono services in order to insure adequate legal assistance for all members of the community.

The ABA also states, however, that voluntary services offered by individuals cannot provide the full range of legal assistance required. I believe that the question to be considered at this point, given the professional responsibility canons, is whether the bar itself should play a bigger, more active role in providing these services, or whether that duty should rest with Government.

We must make sure that people are not deprived of legal assistance only because they are unable to pay. Certainly the words of Judge Learned Hand are pertinent:

> If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice.

Legal Services Corporation was created to meet a real need. The bar had stepped away from its duty and the poor, needing counsel, had no place to turn for justice. But Legal Services Corporation did not concentrate on assisting the poor in eviction cases, in child support or custody cases, in individual discrimination cases.

Rather, Legal Services Corporation centered its activities on "public interest" law in the following kinds of cases: Successful Federal district court suit prohibiting Oregon counties from substituting local welfare for Federal food stamps; successful Federal district court litigation to compel Pennsylvania to provide transportation to hospital for woman inmate seeking a "nontherapeutic" abortion; Legal Aid Society of San Diego represented the Tom Hayden-Allied Coalition for Fair Rent in placing a rent control initiative on the California ballot; Massachusetts Law Reform Institute brought suit to compel a methadone maintenance clinic not to speed up addict detoxification or reduce addict dosages; and California Rural Legal Assistance sued Madera County to overturn local regulations which required welfare recipients to accept available agricultural work on penalty of jeopardizing their welfare eligibility.

In addition, the Legal Services Corporation has actively engaged in lobbying efforts. According to a May 1, 1981 report by the Office of the Comptroller General:

> . . . we have concluded that LSC has itself engaged and allowed its grant recipients to engage in lobbying activities *prohibited by Federal law.* (emphasis added)

This list could go on. I consider it a "parade of horribles" in many ways. It is a listing of agency abuse and overstepping, in spite of efforts by Congress to bring the agency back into the activities for which it was designed.

We have amended authorization requests before in an effort to curtail the LSC. We have, most obviously, failed to do that effectively. We are now being asked again to appropriate funds, with amendments to bring the LSC into line. I am unwilling to continue to fund a program which does not meet the need for which it was created, does not respond to the directives of the Congress, and does not have an adequate degree of State input into the kinds of services which are actually required.●

● Mrs. HAWKINS. Mr. President, I support the amendment offered by Senator DENTON to delete funding for the Legal Services Corporation. While I support the restrictions placed upon the Legal Services Corporation by the Senate Appropriations Committee, I have serious doubts if the restrictions will be sufficient to prevent abuses by the Corporation. I strongly support adoption of the McCollum amendment which clarifies that illegal aliens are not entitled to free legal assistance by LSC attorneys.

In fact, on October 5, I introduced language identical to the McCollum and Kazen House amendments as printed amendment 584 to S. 1533, the reauthorization of the Legal Services Corporation Act. But the clarifications contained in this amendment are necessitated by a flouting of the restrictions placed on the Legal Services Corporation by previous appropriations bills.

During the 96th session of Congress, a restriction was placed on the appropriations bill that stated:

> None of the funds appropriated in this title may be used to carry out any activities for or on behalf of any individual who is known to be an alien in the United States in violation of the Immigration and Nationality Act or any other law, convention, or treaty of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens.

Despite this restriction, the Legal Services Corporation attorneys have continued to represent illegal aliens. The General Counsel of the Legal Services Corporation has interpreted this restriction as applying only to aliens that have completed adjudication and on whom a final order of deportation is outstanding which is not subject to further judicial review.

We have a situation in Florida where thousands of illegal aliens have ignored our national immigration laws and sovereignty as a nation to enter our country illegally, instead of applying for asylum through the normal channels. This has created a situation where an alien who enters the United States illegally has more due process protections than his counterpart in Haiti who applies for asylum through the normal legal process. The illegal entry of these people into Florida has created a tremendous backlog in the processing of the asylum applications. This backlog will grow further if we allow taxpayer dollars to pay for legal assistance to aid these individuals in their fight to stay in this country.

During the House debate on this issue, Representative KAZEN of Texas mentioned that some legal aid attorneys have illegal aliens representing as much as two-thirds of their caseloads. Therefore, while I believe that a further clarification of congressional intent on this issue is desirable, I believe that the authorization bill, not the appropriations bill, is the proper vehicle for this restriction. Restrictions attached to previous appropriation bills have been ignored or circumvented by the Legal Services Corporation. In fact, the circumventing of this restriction by the Legal Services Corporation raises severe doubts in my mind whether any restrictions placed upon this entity will be heeded.●

● Mr. HAYAKAWA. Mr. President, once again, the Senate is considering the question: Should Federal tax dollars be used to fund the Legal Services Corporation? I must respectfully disagree with my colleagues who believe that we should continue to appropriate money for this organization, which has clearly abandoned its mandate of providing legal services for the poor.

Legal Services attorneys have devised their own mandate for impact law, lobbying activities, and class actions, at the expense of serving individual client needs. With fiscal austerity as the order of the day, how can we afford to spend $200 million on an organization which has politicized the plight of the poor in order to advance their own beliefs?

I believe that we cannot continue to fund the Legal Services Corporation. Charges of illegal activities have emanated from sources as diverse as the "New Republic" on the left and the "Conservative Caucus" on the right. Many of these charges have been conclusively proven. The controversial nature of the Legal Services Corporation is further evidenced by the Senate's reluctance to consider its reauthorization bill, S. 1533.

The Corporation has been functioning without authorization since September 1980. It is a political hot potato, with advocates and foes lobbying Members of Congress.

However, there is no doubt in my mind that the opponents have overwhelming evidence to justify the amendment I am introducing today with Senator DENTON, an amendment which will terminate funding for the Legal Services Corporation.

The Corporation was established in 1974 as a private, nonprofit organization to fund legal services for the poor in civil matters. Had the Legal Services Corporation adhered to its great and noble intentions, it would not have mushroomed into a bureaucracy more eager to make a political statement than to help the poor.

I cannot, in good conscience, support funding for a Government-based organization which has strayed from its original mission into ideological pursuits where it was never intended to be involved.

I strongly believe that the majority of Americans do not support the Legal Services Corporation. I am especially impressed by the letters I have received which condemn its activities. These are

not form letters, generated by a special interest group.

These are individual, mostly handwritten letters from the largest interest group of all, our citizens. These people are outraged by the confrontation politics of the Legal Services Corporation. I would like to share a few of their comments with you.

The people in Legal Services do just about everything except what they are supposed to do. Let's abolish Legal Services.

Much of the Legal Services activity looks like "make work" stuff . . . This must stop . . . May I have your support for abolishing Legal Services Corporation?

I also heard from a legal services worker in California who opposes Legal Services Corporation funding. She wrote:

I have worked in the legal service field for over 20 years in an administrative capacity, and I can tell you that locally controlled programs provide more real legal services for low-income people than federally funded programs . . . I understand you are considering "block grants" to states so they may continue legal service programs now in existence under state control. I hope that if this is accomplished that something can be done about the priorities set by these programs. The present people who are involved are more interested in "impact law" or "class actions" than in helping people with their everyday legal needs.

If time permitted, I could share many more of these comments with you. However, I believe I have made my point—our citizens have recognized the unparalleled violations of congressional intent by the Legal Services Corporation. I recomend that we take the advice of our citizens, and vote today to terminate its funding.

Just what kind of abuses are perpetrated by the Legal Services Corporation and the organizations which it funds? Section 1007(b)(4) of the Legal Services Act states:

No funds made available by the Corporation under this subchapter either by grant or contract, may be used for (any) political activity.

Yet the Contra Costa, California Legal Services boasts about its tradition of strong community involvement and aggressive participation in local political, social, and economic battles on behalf of its client communities.

Massachusetts Law Reform Institute spearheaded a lobbying campaign for the graduated income tax in Massachusetts.

And an article in Legal Services-funded Clearinghouse Review states:

A community group's main consideration for example, might be to back a sympathetic political faction or public agency over an unsympathetic one.

Section 1007 of the Legal Services Act prohibits lobbying by recipients except on certain instances which were intended to be narrowly defined. The organizations I described are engaged in outright lobbying. The same subsection prohibits funding recipients from actively working on behalf of or against balloting initiatives.

Yet, in Tehema County, Calif., the federally subsidized legal aid group litigated against an action which had already been approved by a majority of the local voters. The plaintiffs lost the fight on every level, but their tactics delayed implementation of the action for several years at a substantial cost to the taxpayers.

Passage of this amendment will not mean that we have abandoned our concern for access to justice for the poor. I support the administration's plan to provide federally funded legal services through the community services block grant approved earlier this year. I agree with the President's belief that there are other local resources available to poor people who need legal aid.

Presently, with relaxed bar association rules regarding advertising, fee competition, and so forth, many private sector firms have organized efficient means of delivering first-rate legal services to the poor in such day-to-day areas as divorces, evictions, and sales contracts. Fees for such services are exceedingly modest, and could be made even lower if a "free" Federal mechanism were not in place to provide such representation.

I am convinced that we, as Senators, have a responsibility to terminate an organization which has deviated from its original purpose of being an impartial arbiter for the indigent of this country. I wish to share a final comment from one of my constituents in Lodi, Calif.:

Like the plague of fruitflies troubling our land, this costly, harmful government agency deserves extinction.

Mr. President, I urge favorable consideration of this amendment.●

● Mr. WILLIAMS. Mr. President, I rise in support of the reauthorization of the Legal Services Corporation at the $241 million funding level.

As we all know, for the past year, this administration has continuously recommended that the Congress scuttle this program that has played a crucial role in our Nation's civil justice system.

According to the administration, the Federal Government is the root of our economic turmoil. There is no Government program that is 100 percent on target or that can boast there is no waste.

While the Legal Services Corporation, like most human institutions, can be subjected to constructive criticism to improve its effectiveness, there is no hard evidence that eliminating the Corporation will either cure inflation or balance the budget.

The LSC is an independent corporate entity that serves well in our adversarial system of justice that strives to both defend and enforce individual rights.

While I am firmly committed to cutting the Federal deficit and bolstering our beleaguered economy, I cannot support an effort to emasculate assistance benefits of the working poor.

The Federal Government has administered a program of legal services for the poor since 1966, and enacted legislation in 1974 creating the Legal Services Corporation. With the inception of that 1974 statute, it was the intent of the Congress to provide "all low-income individuals and families with at least minimum access to legal services." Our commitment to that goal should be as strong now as it has been in the past.

In my home State of New Jersey, there are 33 Legal Service offices providing legal assistance in civil cases to 40,000 residents who could not otherwise afford a lawyer. I am proud of that record.

The counseling and litigation activities funded by the Legal Services Corporation provide quality legal advice, fair representation and equal access to justice. Local programs do not provide criminal representation. Most of the legal problems of eligible clients fall into four broad categories: Family law; administrative benefits, including medicaid, AFDC, and SSI; consumer law; and, housing law.

Approximately 15 percent of those cases are actually litigated and approximately 85 percent are resolved through advice, negotiation, consultation, and other out-of-court mechanisms.

This body must not deny our Nation's nearly 30 million citizens living in poverty these essential services. The economically disadvantaged have legal problems too, and I would urge my colleagues not to further condemn those individuals who have already suffered dismally in the name of budget cuts.

I wholeheartedly encourage your support for the reauthorization of the Legal Services Corporation.●

LEGAL SERVICES CORPORATION

Mr. EAGLETON. Mr. President, for the third time this year, the Senate is faced with an amendment which seeks to eliminate Federal funding for legal services. This amendment tonight is, in essence, the same amendment which was offered on the floor on April 1, and again on May 7. In the first instance, the amendment was withdrawn after considerable debate. In the second instance, it was overwhlemingly defeated by a vote of 72 nays to 24 yeas.

This is clearly not a new issue, and not one on which we must engage in prolonged debate. I will take only a moment to remind my colleagues that the legal services program conducted under the authority of the Legal Services Corporation, is based upon the very simple, fundamental premise that the poor are entitled to legal representation to redress their grievances and defend their interests.

Throughout the debate on the Corporation, it seems to me that one key element of our judicial system is overlooked. Providing access to the system for the poor does not provide the Corporation clients with the right to win. It simply provides the poor with the right to be heard. No one, rich or poor, has the right to win unless the law is on his or her side.

The view that the national ideal of equal justice under law is disserved by effectively excluding the poor from the opportunity to seek legal recourse has been eloquently expressed by Mr. Justice Powell as follows:

Equal justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists. And central to that system is the precept that justice not be denied because of a person's

race, religion or beliefs. Also, it is fundamental that justice should be the same, in substance and availability, without regard to economic status.

I urge defeat of this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I rise in opposition to this amendment.

We heard during earlier discussions, both in this debate and in earlier debate, how vital legal services are in this country to the very survival of the less fortunate in our Nation. Yet, the Senator from Alabama proposes to eliminate the one mechanism that effectively and efficiently provides those services. The Senator from Alabama says that it is not so. He tells us that other sources of money and services will continue to provide legal assistance to the poor.

I say to the Senator that he is wrong. We cannot rely on the private bar or on the State and local governments to provide this vital assistance. The private bar has already greatly expanded its pro bono activities. I am sure it will continue to expand them. But it recognizes, as we should, that it can only supplement, not replace, a federally-funded legal services program. Without the framework provided by this program to facilitate pro bono activities, these activities will undoubtedly dwindle.

Neither are State and local governments the answer. They have already been handed the responsibilities for more Federal programs, while being given fewer Federal dollars to support these programs. Only last week, three Governors—one of them a Republican—told the Senate that the financial burden imposed on their States was already too large.

Moreover, such a shift of responsibility would be administratively wasteful. It would require the creation of 50 new State bureaucracies to replace a single extremely efficient one—one which uses less than 3 percent of the Corporation's budget.

Nor would such a shift permit more local control. Legal Services agencies are already governed by local boards of directors. It would simply subject this vital program to increased local and State political pressures and manipulation.

This amendment would mean an end to legal services for many poor people. It would mean a return to the exclusion of the poor from the legal system. It would mean abandonment of the principle of equal justice for all.

It is important, Mr. President, to realize that we are talking about a program which has seen a 25 percent reduction from its current level of funding. If we consider inflation, the cut is 33 percent.

In listening to the Senator from Alabama speak about some of the activities of the Legal Services attorneys, I noted that he talked about their representation of the Indians in the Passamaquoddy case. Am I correct?

Mr. DENTON. That is right.

Mr. KENNEDY. Does the Senator realize how that representation was ultimately resolved?

Mr. DENTON. Yes.

I was aware that there may have been some argument regarding the Legal Services Corporation's action to try for the return of land from the State of Maine to those two tribes.

Mr. KENNEDY. Does the Senator understand what the basic arguments for the Passamaquoddy Indians were? There were a series of disputes over land in New England. The disputes arose as a result of treaty obligations by the United States and, therefore, there were very serious questions that were being raised not only in Maine but in my own State of Massachusetts.

I am just wondering whether the Senator thinks that the ultimate resolution in the Passamaquoddy dispute was unfair, inequitable, and unjust? I would be very interested in his opinion, particularly since the Senator from Maine, Senator COHEN, was very much involved in that final resolution.

Mr. DENTON. I am respectful of the concerns of the Senator from Massachusetts for righting an injustice.

It is my understanding that the Legal Services Corporation exists to provide services principally for individuals who are poor and cannot otherwise receive those services. I recognize that there could be a group of these individuals who have such needs.

But from my examination of the Legal Services Corporation's record and activities there is much too much expenditure of money and time on social engineering, on less justifiable grounds than those which you might be able to provide regarding these Indians.

Mr. KENNEDY. I welcome the fact that the Senator would feel that Indians, whose legitimate rights had been violated and who could not afford legal representation, were entitled to the kind of legal services that they in fact received.

I quite frankly felt that the work that was done by Legal Service attorneys in this and other areas was not social engineering but in fact was quite constructive.

I yield the floor.

Mr. DENTON. Mr. President, if the Senator will yield for a question, is he aware that the Indians' original suit was for return of two-thirds of the State of Maine?

My staff member worked for the Senator from Maine when that suit was originated.

Mr. KENNEDY. What is the Senator's point? There was a land dispute that was brought by the Indian tribes and ultimately it was resolved. Ultimately, through the efforts of Legal Services attorneys, the Indians received some satisfaction.

I dare say that they would not have received it had it not been for the legal sevices program. If the Senator from Alabama does not believe that kind of activity was justified, I take strong exception.

Those Indians did not have the resources to be able to bring a case. Eventually they were able to bring a case. It was a long and difficult struggle. Eventually it was resolved. So those rights have been resolved and they would not have been resolved unless there was a legal services program.

Their initial position is unimportant. Litigation strategy often dictates taking extreme positions to benefit a client. What is important is the fact that in a number of the Indian land cases affecting New England there were various injustices that were done to a series of the Indian tribes and that the Legal Services Corporation, as correctly pointed out by the Senator from Alabama, was involved in righting those injustices.

Quite frankly, those rights had not been respected for many years. I am glad that ultimately those issues have been resolved.

Mr. DENTON. I yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the distinguished Senator from Alabama.

Mr. President, this latest debate is on whether to continue the perfectly outrageous use of the taxpayers' money for a misrepresented noble purpose.

I think back to the first year I was in the Senate, and I believe that was the first time that the horror stories about the abuse of this organization known as the Legal Services Corporation really erupted in this Chamber.

Since that time year after year I have heard Senators attempt to defend it with all sorts of self-serving declarations, which is fine.

The point is that there is a great preponderance of opinion among respected citizens across this country that the abuse of the original intent of this Corporation is apparent.

To state it in the most moderate terms, the Legal Services Corporation—and this is an understatement—is not the best device for providing essential legal services to the poor of our Nation.

I do not know how many times those of us who have questioned this organization have to repeat this statement, but let me repeat it again:

A fundamental aspect of any free society is the ability of its citizens to assert their rights before an independent and impartial judiciary.

Of course, we are agreed that the words "equal justice under law" are paramount in terms of our principles, but they have a hollow ring if substantial numbers of our citizens are denied their day in court because they cannot afford an attorney. So we all agree.

I do not yield to the Senator from Massachusetts or anyone else in my belief in that principle. That is not the point.

The proponents of and the apologists for the Legal Services Corporation repeatedly say that those who seek to eliminate funding for LSC are cruel and hardhearted. They imply or at least they would have others, principally the media, infer that we are seeking to deny the right of all Americans to legal representation. But nothing could be further from the truth.

The distinguished Senator from Alabama cannot, I believe, be challenged as

an American who was not willing to lay down his life for this country and its principles. I do not wish to embarrass him, but I hear so often that Americans are not allowed to have heroes any longer. JEREMIAH DENTON is my hero. I think back to the 7 years, I think it was, that JEREMIAH DENTON was a prisoner of war because he was willing to lay down his life if necessary for his country.

Here he is today saying a very logical and reasonable thing that the Legal Services Corporation by reason of its record no longer deserves to survive, that legal representation for the poor can be provided better in another way.

Any Senator who has a better record of defending his country than JEREMIAH DENTON let him stand now and challenge him.

JERRY DENTON loves his country and its principles, including the assurance of adequate and proper legal representation in the courts.

So I commend the able Senator for being willing to undertake what may well be a losing cause, but he has made his point in honesty and in truth. His amendemnt deserves to be approved, and I shall support it. I do support it.

But I must say, Mr. President, that I object to the caterwauling that occurs every time this issue comes to the floor, and especially do I resent the suggestions, the implications, the inferences that those who seek to provide a better way of legal representation for the poor are somehow hardhearted.

Mr. President, I am not going to get into the litany of horror stories about the abuses of this program by this Corporation, a Corporation that has been heedless of the messages sent year after year to the people operating it to clean up their act. They have refused to clean up their act.

It is still an abuse of the taxpayers' money, and I thoroughly agree with the Senator from Alabama that another way is available to assure—and I emphasize the word "assure"—adequate and essential legal services to the poor of this Nation.

Again I commend the Senator from Alabama on his amendment, and I urge its adoption.

Mr. COCHRAN. Mr. President, for the information of Senators, after the amendment of the Senator from Alabama is disposed of, if it is not adopted, it is the intention of this Senator to offer an amendment to reduce the funding level for the Legal Services Corporation to $100 million for the next year. This would make the funding level consistent with the amount provided in the first budget resolution previously agreed to by the Congress. It would also put the funding level at the same level provided in the authorization legislation that the Senator from Alabama has previously described. For the information of Senators, that is the intention of the Senator from Mississippi.

Mr. WEICKER. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Alabama.

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

The yeas and nays were ordered.

Mr. DENTON. Mr. President, may I thank the Senator from North Carolina for his overly kind remarks, and express my deep admiration for his record of services, both before he got to the Senate and now in the Senate.

I thank the Senator from Mississippi for his clarification of the steps which we are taking to try to place this question in perspective.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

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

Mr. ROBERT C. BYRD. I announce that the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Montana (Mr. MELCHER), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), and the Senator from Louisiana (Mr. LONG) are absent on official business.

I also announce that the Senator from Vermont (Mr. LEAHY), and the Senator from Michigan (Mr. LEVIN) are absent because of illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. METZENBAUM), and the Senator from Michigan (Mr. LEVIN) would each vote "nay."

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

The result was announced—yeas 21, nays 61, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—21

Armstrong	Helms	Simpson
Byrd, Harry F., Jr.	Humphrey	Symms
Denton	Jepsen	Thurmond
Garn	Laxalt	Tower
Grassley	McClure	Wallop
Hatch	Nickles	Zorinsky
Hawkins	Proxmire	
	Quayle	

NAYS—61

Abdnor	Domenici	Murkowski
Andrews	Durenberger	Nunn
Baker	Eagleton	Pell
Baucus	Exon	Percy
Bentsen	Ford	Pressler
Biden	Gorton	Randolph
Boschwitz	Hatfield	Riegle
Bradley	Heflin	Roth
Bumpers	Heinz	Rudman
Burdick	Hollings	Sarbanes
Byrd, Robert C.	Huddleston	Sasser
Chafee	Inouye	Schmitt
Chiles	Jackson	Stafford
Cochran	Johnston	Stennis
Cohen	Kassebaum	Stevens
D'Amato	Kasten	Tsongas
Danforth	Kennedy	Warner
DeConcini	Lugar	Weicker
Dixon	Matsunaga	Williams
Dodd	Mattingly	
Dole	Mitchell	

NOT VOTING—18

Boren	Hart	Melcher
Cannon	Hayakawa	Metzenbaum
Cranston	Leahy	Moynihan
East	Levin	Packwood
Glenn	Long	Pryor
Goldwater	Mathias	Specter

So Mr. DENTON's amendment (UP No. 621), as modified, was rejected.

Mr. WEICKER. I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

ANNOUNCEMENT OF POSITION ON VOTE

Mr. SPECTER. Mr. President, had I been present, I would have voted against the Denton amendment, in favor of the community legal services program. I was absent at the time because I was at the White House discussing criminal justice legislation with the President and others.

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

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I have a couple of requests I want to make but I understand the distinguished minority leader has not yet reached the floor. I shall forbear to make those requests at this time. I yield the floor.

The PRESIDING OFFICER. The question recurs on the committee amendment.

Mr. WEICKER. Mr. President, by agreement with the ranking member, I ask unanimous consent that the committee amendments be laid aside.

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

UP AMENDMENT 622

(Purpose: To reduce funding for Legal Services)

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

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes an unprinted amendment numbered 622.

Mr. COCHRAN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 32, line 23, strike out "$241,000,000" and insert in lieu thereof "$100,000,000".

Mr. COCHRAN. Mr. President, I ask unanimous consent that the following Senators be listed as cosponsors of this amendment: Mr. HAYAKAWA, Mr. NICKLES, and Mr. STENNIS.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. BAKER. Mr. President, I have two unanimous-consent requests which I understand have been cleared by the distinguished minority leader.

TREATY OF TLATELOLCO

Mr. President, as in executive session, I ask unanimous consent that at 2 p.m. today, the Senate go into executive session to consider the Treaty of Tlatelolco, Executive Calendar No. 10.

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

Mr. BAKER. Further, I ask unanimous consent that the treaty be advanced through all its parliamentary stages, up to and including the presentation of the resolution of ratification.

The PRESIDING OFFICER. Without objection, the treaty will be considered to have passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring, therein), That the Senate advise and consent to the ratification of Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America, also known as the Treaty of Tlatelolco, signed on behalf of the United States of America on May 26, 1977 subject to the following understandings:

(1) That the provisions of the Treaty made applicable by this Additional Protocol do not affect the exclusive power and legal competence under international law of a State adhering to this Protocol to grant or deny transit and transport privileges to its own or any other vessels or aircraft irrespective of cargo or armaments.

(2) That the provisions of the Treaty made applicable by this Additional Protocol do not affect rights under international law of a State adhering to this Protocol regarding the exercise of the freedom of the seas, or regarding passage through or over waters subject to the sovereignty of a State.

(3) That the understandings and declarations attached by the United States to its ratification of Additional Protocol II apply also to its ratification of Additional Protocol I as follows:

That the United States Government understands the reference in Article 3 of the treaty to "its own legislation" to relate only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that ratification of Additional Protocol II by the United States Government could not be regarded as implying recognition, for the purpose of this treaty and its protocols, or for any other purpose, of any legislation which did not, in the view of the United States, comply with the relevant rules of international law.

That the United States Government takes note of the Preparatory Commission's interpretation of the treaty, as set forth in the Final Act, that, governed by the principles and rules of international law, each of the contracting parties retains exclusive power and legal competence, unaffected by the terms of the treaty, to grant or deny non-contracting parties transit and transport privileges.

That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article I of the treaty.

II

That the United States Government considers that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons, and that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have the common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore the United States Government understands the definition contained in Article 5 of the treaty as necessarily encompassing all nuclear explosive devices. It is also understood that Articles 1 and 5 restrict accordingly the activities of the contracting parties under paragraph 1 of Article 18.

That the United States Government understands that paragraph 4 of Article 18 of the treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with contracting parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with a policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States Government notes Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, under which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapons states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

III

That the United States Government also declares that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the treaty in the same manner as Protocol II requires it to act with respect to the territories of contracting parties.

Mr. BAKER. Mr. President, I ask unanimous consent that the resolution be considered under the following time agreement: 15 minutes on the resolution of ratification to be equally divided between the chairman of the Foreign Relations Committee and the ranking minority member, or their designees; and that the reported committee understandings be deemed agreed to, with no other action to occur on the resolution of ratification with the exception of the vote on the resolution.

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

Mr. BAKER. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays at this time.

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

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

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

The yeas and nays were ordered.

Mr. BAKER. I ask unanimous consent that, following the vote on the resolution of ratification and a motion to table the motion to reconsider, the Senate return to legislative session and resume the State-Justice-Commerce appropriations bill or such other matters as the Senate may at that time have deemed appropriate.

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

ORDER FOR CONSIDERATION OF THE NOMINATION OF C. EVERETT KOOP ON MONDAY, NOVEMBER 16, 1981

Mr. BAKER. Mr. President, as in executive session, I ask unanimous consent that at the hour of 3:30 p.m. on Monday, November 16, the Senate go into executive session to consider the nomination of C. Everett Koop under the following time agreement: 1 hour on the nomination to be equally divided between the chairman of the Labor and Human Resources Committee and the ranking minority member or their designees; and that the agreement be in the usual form.

Further, I ask unanimous consent that it be in order now to order the yeas and nays on the confirmation of C. Everett Koop.

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

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

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

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I thank the Senators.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1982

The Senate continued with consideration of the bill.

Mr. COCHRAN. Mr. President, the purpose of the amendment I have offered is to reduce the funding in this bill for the Legal Services Corporation from the amount of $241 million for the next fiscal year to $100 million. The reason for the amendment, Mr. President, is that when the Senate had before it the first budget resolution, this body agreed to set a level of funding at the amount of $100 million for this program. The committee increased that amount by $141 million.

We have heard a good deal of talk about how the appropriations bills are out of line with the budget targets, that some of them were exceeding the budget requests of the administration, and that we are running the risk of veto of these bills. I think we are all very interested in trying to hold these funding levels down to the lowest possible amount so we can stay within the budget commitment that has been made and try to get the bill signed by the President. This is a program that has been very widely discussed over the years since its creation.

People have strong feelings about it on both sides. It is not the purpose of this Senator to rehash all of the arguments for and against the merits of the Corporation. The fact is that this is the only legal services program that we have right now. There is legislation that has been reported from the legislative committee to revise the program, and there are proposals to create a new program in a block grant approach to delivering legal services to the poor. That is not yet law. The present law is a program under the auspices of the Board of Directors of the

Legal Services Corporation. But the funding level is the point that is at issue in this amendment.

Over the past 6 years, funding for the Legal Services Corporation has been increased by 248 percent. Some say if the level of funding in the bill is reduced, to what I am suggesting in this amendment, it will cripple the program. I suggest there are ways to find savings in this program just as there are in many other programs that the Federal Government supports. I have a good example, I think, of one way we can approach that dilemma.

Back in the summer, some of my constituents called my attention to a newspaper story contained in the Oxford Eagle of August 20. It is a story relating to a sign that was displayed in the window of the office of the North Mississippi Rural Legal Services. The sign said, "The Oxford Office of North Mississippi Rural Legal Services is no longer accepting new cases due to proposed Reagan budget cuts." Big sign, big letters, professionally painted, in the front window. In the same newspaper, Mr. President, 1 week later, is an invitation for bids for furnishings for the North Mississippi Rural Legal Services Offices.

The point is, if just the proposal to make cuts is going to make an office cut its caseload and make it unable to receive requests from poor people for legal services, how in the world can it have time to pick out new furniture and redecorate the offices to be paid for out of the same budget.

Mr. President, I know there are other instances where you can find examples of how savings can be made without really jeopardizing the right of poor people to services of legal counsel. I support that effort. That is why this is an effort not to cripple the program but simply to bring the funding in line with the previous level of funding and also make it consistent with the authorizing legislation level which was set at $100 million.

Mr. President, I ask unanimous consent to have printed in the RECORD the articles to which I have referred, which appeared in the Oxford Eagle.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Oxford (Miss.) Eagle, Aug. 20, 1981]

BUDGET CUTS HAMPER NMRLS

(By Alma Stead)

The sign in the window said, "The Oxford office of North Mississippi Rural Legal Service is no longer accepting new cases due to proposed Reagan budget cuts."

Client reaction to the notice ranges from bewilderment to outrage. They don't understand why no new cases are being accepted when funding for the service is available through December.

"President Reagan has proposed to abolish legal services," said Jesse Pennington, deputy director of administration for the North Mississippi program. "And lobbying against us has been going on. If the program is not abolished, there will be at least a 50 percent cutback. We can't leave the clients stuck with these cases."

At present there are some 6000 cases open among the 39 counties administrated from Oxford. A fourth of these are family cases—custody of children, visitation, adoption, paternity, abuse, support. The other three-fourths are divided among juvenile cases—the one exception to the rule that legal services attorneys must not handle criminal cases—and consumer finance (bankruptcy, installment buying, credit, public utilities, unfair sales practices) and income maintenance (social security, welfare, food stamps).

Pennington said that in Tupelo the private bar has cooperated with NMRLS by taking over some of the case either "pro bono" (Latin for "for the good") which means free, or with reduced fees or installment plan payments. "The private bar has an obligation," said Pennington.

The situation is comparable to "going out of business," as Pennington put it. "The Corporation has advised us that in order to do justice to our current clients we have to close out. Taking on a new client without knowing that our funding will be continued is doing him a disservice."

The program is not dead; Congress has not yet decided what to do about funding it, but will decide during September. Because courts work on the quarterly system, the typical time lapse from the client's first visit to the Legal Service office until his case comes to court is three months.

INVITATION TO BID

A–1; Project Name: Furnishings; North Mississippi Rural Legal Services; Oxford, Mississippi; Owner: North Mississippi Rural Legal Services

Separate, sealed bids for Furnishings for North Mississippi Rural Legal Services will be received by the Office of Hall-Burle at 426 South Lamar or P.O. Box 458, Oxford, Mississippi until 2:00 p.m. on Thursday, September 17, 1981 then publicly opened and read aloud.

The Drawings, Specifications, Bidding Documents and Contract Forms may be examined at the Office of Hall-Burle, Ltd., 426 South Lamar, Oxford, Mississippi 38655.

Copies may be obtained at the Office of Hall-Burle, Ltd., located at 426 South Lamar, Oxford, Mississippi 38655 upon deposit of $50.00. Full refund will be made for sets returned within twenty-one (21) calendar days after award of contract and in good condition.

Proposals shall be submitted in duplicate only upon the blank proposal forms provided with the Specifications and must be accompanied by Proposal Security in the form of Certified Check or acceptable Bid Bond in an amount equal to at least five percent (5 percent) of the base bid; such security to be forfeited as liquidated damages, not penalty, by any bidder who may be awarded the Contract but who fails to carry out the terms of the proposal, execute Contract and post Performance Bond in the form and amount within the time specified. The Bid Bond, if used, shall be payable to North Mississippi Rural Legal Services, Oxford, Mississippi.

All bidders shall be currently licensed in the State of Mississippi.

The Owner reserves the right to reject any or all bids and waive any and all informalities in bids.

WILHELM JOSEPH,
Executive Director.

Mr. WEICKER. Mr. President, I rise with reluctance insofar as the personal aspects of this are concerned but with enthusiasm insofar as the substance, to oppose the amendment of the distinguished Senator from Mississippi.

I will read one paragraph from a letter to Senator BAKER by the president of the American Bar Association, David Brink, and then I will rest my case, because I know my colleagues want to vote. I feel that what has been stated needs a response. Mr. Brink states:

The Legal Services Corporation has been efficiently and effectively providing routine legal services to millions of the nation's poor for the past six years, enabling these individuals to resolve through the justice system problems which might otherwise fester and grow or find resolution in ways far more costly to society. The program is a model of efficiency, with less than 2 percent of its budget going to national administrative expense. Only within the last year has the program been able to expand geographically into all areas of the country; and even at a budget level of $321 million for FY '81, and with substantial contributions of free legal services by members of the private bar, the program has not been able to provide service to all who need it. A further cutback of funding below $241 million would be devastating.

Mr. President, if the $100 million advocated by the Senator from Mississippi were the level of funding, you would have to close down most of the 323 local legal services programs.

He cites an example of fraud, waste, and abuse. I am not going to dispute that. It was obviously wrong. But it would be possible in any situation to come up with examples here and there.

The fact is that this program has worked, it has been efficient, it has not been abused in the expenditure of money, and, most important, it has assured millions of Americans of their constitutional rights.

I oppose the amendment.

Mr. STENNIS. Mr. President, I commend my colleague from Mississippi for his preparation in connection with this amendment and his very earnest presentation of it.

I oppose the amendment that would eliminate this service. I think it has a place and has done a lot of good. A great deal depends upon the attitude of some of the local leaders in various areas of the Nation where these funds are spent. That leadership sometimes is excessively aggressive and provoking, and that leads to the same kind of conduct at times on the part of the opposition.

However, as one who has formerly carried the responsibility of a trial judge, who often was called on to appoint attorneys to serve, without compensation, for those who were actually in court and charged with offenses, I have some feeling and some pride for the fact that the tradition of America is that one in need of representation in court gets it. It is one of the jewels of the legal profession, in which I still have pride, the way it has carried the load over the decades of our Nation's history and has done it without compensation.

I am opposed to the elimination of the program. I favor the reduction to a figure that is recommended by the committee which passed on it for the Senate and is also reflected, as my colleague has said, in our budget resolution.

I expect to continue to support this program, but at a lower level. I think this is excessive. I hope the amendment will prevail.

Mr. WARNER. Mr. President, I oppose the amendment and support the committee's funding level for the Legal Services Corporation for fiscal year 1982.

The funding level proposed by the Senate Appropriations Committee is $241,000,000, which represents a 25-percent

reduction in funding for the Legal Services Corporation in just 1 year. In addition, this funding level falls below the overall budget guidelines for fiscal year 1982.

Mr. President, for more than 200 years, one of the fundamental principles our Nation has honored is equal access under the law. But equal access under the law needs to be more than just an ideal for Americans. Since the inception of the Legal Services Corporation, many of the estimated 30-million low-income people in our society have been afforded the opportunity to have equal access. They may not have agreed with justice's ultimate decision, but they had the opportunity for justice to decide.

The Legal Services Corporation has given these individuals the chance to have access to professional, efficient legal service in some of the most basic arenas of our lives—housing, family situations, health. One of my constituents spoke eloquently on this issue when he wrote to me:

> The principle that all segments of our society should have access to the protections of the law must be of concern not only to lawyers, but to all persons who cherish the notion of justice and equality. It is fundamental to our society. We must ask whether legal services is a commodity to be bought and sold at market prices, reserved only for those who have the money to pay. Or do the demands of justice require that legal services be available to all persons as part of their fundamental right to equal justice under the law?

Mr. President, my support for the concept of providing Federal funding to enable persons to receive the benefit of legal counsel, providing they have inadequate personal resources to retain their own counsel, is derived from some personal experience during my own career. For nearly 5 years in the late 1950's I served as an assistant U.S. District Attorney actively engaged in criminal prosecutions in the greater Washington, D.C., area. Many times I witnessed, firsthand, indigent persons being denied the constitutional protections of our system of government, as a result of their inability to obtain proper legal representation.

Following my Government service, I entered private law practice and became one of the organizers and the principal financial sponsor of a private legal aid society, named in honor of the former Chief Judge of the U.S. Circuit Court of Appeals for the District of Columbia for whom I once served as a law clerk.

This legal aid society, the Prettyman Fellowship program, pioneered private legal aid in the Washington area and continues a leadership role to this date.

The concept of a public legal service corporation emanated from the experience of this private program and others elsewhere in the United States. While I have some misgivings about certain areas of representation provided by the Legal Services Corporation, as enumerated by my distinguished colleague from Mississippi and others, on the whole, it has carried forward notably the concept of equal access to justice for all. I hope it will profit from some of the legitimate concerns expressed during the course of this debate.

Nevertheless, I strongly urge my colleagues that we decline to support this amendment and that we accept the recommendation of $241 million for fiscal year 1982. When one considers what is at stake, this is indeed a very modest figure.

Mr. KENNEDY. Mr. President, in my earlier comments, I expressed my views about the importance of this program. I believe it is important to underline one additional point. Under the committee's recommendation, funding for the Legal Services Corporation will be reduced by 25 percent.

If we accept the Cochran amendment, we will be reducing the legal services programs by an incredible 70 percent. I am confident that no other program has been cut by this extent this year.

There is one lawyer for every 500 people in this country who are above the poverty line. Currently, the Corporation provides only two lawyers for every 10,000 poor people. I cannot believe that Senator COCHRAN feels this is excessive.

If we accept the Cochran amendment, we will effectively emasculate the guarantee of equal rights under law to millions of Americans. It seems to me to be too drastic a cut for such an important program, particularly considering its widespread support by the public, the bar, and the judges.

A great deal has been stated, both on this floor and in speeches across the country, about the importance of law and order.

It seems to me if we deny access to the courts to a significant segment of our population then we are going to be inviting individuals to seek redress for their difficulties outside of the law.

One final point that I would like to make. This program has one of the smallest administrative budgets in relationship to the dollars expended of any Federal program—approximately 3 percent. And even this 3 percent is already being cut in half under the spending proposals of the Legal Services Corporation. It is being effectively administered. The resources that are being appropriated are actually going out into the field. The cases that they are bringing have a sense of legitimacy and justice. I hope the amendment is defeated.

Mr. MITCHELL and Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. I yield to the Senator from Texas.

Mr. BENTSEN. Mr. President, I really do not believe that requiring private law firms to increase their pro bono caseload is the answer to this problem. I think it is done on a hit or miss basis, and that does not provide an equal opportunity for all Americans to gain access to our judicial system.

Let me give a personal example of that. I have a law degree. I have a license, but I sure do not think of myself as an attorney. I practiced about 6 months. I am still a member of the bar.

I recall one time when I called my office and asked my secretary, "What do we have in the mail that is important?" She answered, "Well, you have a letter here from a court that says that you are supposed to represent an indignant defendant." I said, "Are you sure that does not say indigent?" She said, "Oh, I guess it does." I said, "You were right in the first instance. If I went down there to represent that particular defendant and I had about 15 minutes with him, he would throw himself on the mercy of the court. He should be indignant because I certainly have no practice and experience that would qualify me to properly represent that man."

So I called the court and I asked them if they could not substitute someone who could really represent that person, and they did.

I would hate to see us go back to that kind of a practice. The staff attorneys of the Legal Services Corporation are, for the most part, dedicated members of the bar. Certainly, there have been some abuses, especially in the areas of class action and "social change" type suits, and these abuses should be curtailed.

So when we talk about equal access before the law, let us not limit it only to those people who have the finances necessary to obtain it. Let us not add to the frustrations of the poor who think that they have somehow been dealt out of this economic system and that there is no one to speak up for them and to share their concerns and to try to represent them.

So even though I have been one who is voting for cut after cut, this is one I am not going to go along with. I agree with the cut of 25 percent but I think if we go to the extent that my good friend from Mississippi is proposing, then I think that we have devastated the program.

So I am going to support my friend from Connecticut and oppose this particular amendment.

Mr. MITCHELL. Mr. President, I think the Senator from Texas has touched upon an important point here and that is the quality of representation.

I have had opportunity to have spent a good part of my adult life in the courtroom as an attorney and as a judge. I have appeared on both sides, as a prosecutor and as a defense attorney. I have appeared on the other side of Legal Service lawyers, and I have had them appear in my courtroom when I served as a judge.

I say that it may be a standard in this Nation that all men are equal before the law, but that is a standard that is not met if one person does not have quality representation.

De Tocqueville said that the United States was a nation unique in its respect for and adherence to the law, and indeed it is.

And the law plays a crucial role in our society. Indeed, almost daily in this Chamber we are told that the courts are too important in our society and that the jurisdiction, role, and participation that they play in our society must be reduced. That is a separate question not to be decided today, but there can be no

doubt that the law is a crucial and important element in our society.

If a person is going to have adequate representation is an important factor in whether a person is to have his or her rights vindicated. People are not equal before the law if they do not have quality representation.

The poor people of this country are desperately in need of that representation, particularly at a time when legal costs are escalating almost beyond sight.

It is a rare case in any court in this country, State or Federal, in which the legal fees do not exceed the amount in dispute. Even large corporations are now unable to litigate and unable to fight for their rights because they cannot afford the legal fees.

And the first question that anyone ever asked me when they came in to ask me to try a case for them was, "How much will it cost," because it costs a great deal. The average citizen cannot afford it, let alone low-income and poor people, in our society.

This is a good program. The people who work in the Legal Services are for the most part dedicated, decent committed people who are trying to do a job to improve our society and who are doing it.

I think it would be a serious error, very adverse to the interest of our society as a whole were we to accept this amendment which virtually eliminates a program that has done a great deal of good. There undoubtedly have been excesses. There undoubtedly have been mistakes. Of what human institution could that not be said?

But this program has by and large been good. It has been a positive force for good in our society. It has made a little more realistic the ideal of equality before the law in our society. It should not be eliminated which this amendment virtually does.

I urge the Members of this Senate to oppose the effort to deprive those in our society who are deprived of so much else of the opportunity to stand equal before American law.

Thank you, Mr. President.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Senator THURMOND be listed as a cosponsor of the amendment.

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

Mr. WEICKER. Mr. President, I am about ready to make a motion to table the amendment of the distinguished Senator from Mississippi. I want to make certain that everyone has had his or her say. I do not intend to close off any remarks.

Mr. President, I move to table the amendment of the Senator from Mississippi, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Mississippi.

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

The assistant legislative clerk called the roll.

Mr. EXON (when his name was called). Mr. President, on this vote I have a live pair with the Senator from Ohio (Mr. METZENBAUM). If he were here and voting he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. STEVENS. I announce that the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

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

Mr. ROBERT C. BYRD. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Montana (Mr. MELCHER), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I also announce that the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Mr. LEVIN) are absent because of illness.

I further announce that, if present and voting, the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. HART), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), and the Senator from New York (Mr. MOYNIHAN) would each vote "yea."

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

The result was announced—yeas 48, nays 33, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—48

Abdnor	Domenici	Murkowski
Andrews	Durenberger	Pell
Baker	Eagleton	Percy
Bentsen	Ford	Pressler
Biden	Gorton	Randolph
Boschwitz	Hatfield	Riegle
Bradley	Heflin	Rudman
Bumpers	Heinz	Sarbanes
Burdick	Hollings	Sasser
Chafee	Huddleston	Schmitt
Cohen	Inouye	Specter
D'Amato	Jackson	Stevens
Danforth	Johnston	Tsongas
DeConcini	Kennedy	Warner
Dixon	Matsunaga	Weicker
Dodd	Mitchell	Williams

NAYS—33

Armstrong	Helms	Quayle
Byrd, Harry F., Jr.	Humphrey	Roth
	Jepsen	Simpson
Byrd, Robert C.	Kassebaum	Stafford
Chiles	Kasten	Stennis
Cochran	Laxalt	Symms
Denton	Lugar	Thurmond
Dole	Mattingly	Tower
Garn	McClure	Wallop
Grassley	Nickles	Zorinsky
Hatch	Nunn	
Hawkins	Proxmire	

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

Exon, against.

NOT VOTING—18

Baucus	Goldwater	Mathias
Boren	Hart	Melcher
Cannon	Hayakawa	Metzenbaum
Cranston	Leahy	Moynihan
East	Levin	Packwood
Glenn	Long	Pryor

So Mr. WEICKER's motion to lay on the table UP amendment No. 622 was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from North Carolina is recognized.

(Mr. KASTEN assumed the Chair.)

Mr. HELMS. Mr. President, I raise the point of order that this committee amendment is authorization language on an appropriation bill.

Mr. WEICKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. What is the pending business?

The PRESIDING OFFICER. The pending business is the fourth committee amendment dealing with immigration.

Mr. WEICKER. I do not think my good friend from North Carolina wants to raise a point of order against that amendment.

Mr. HELMS. Mr. President, did we not just vote on an amendment to the Legal Services Corporation?

Mr. WEICKER. My good friend from North Carolina will recall we did not. The committee amendment was laid aside. The amendment was being addressed to the bill.

Mr. HELMS. Does the Senator want me to wait until the committee amendment comes back up? Whatever he wishes, I will accede to.

Mr. WEICKER. I am not playing games at all. I just did not want the Senator to be overruled on the point of order. It would have not lain against the fourth amendment.

Mr. HELMS. I thank the distinguished Senator for his courtesy. The Chair is saying that we did not automatically continue on the Legal Services question. Is that correct? The amendments of Senator DENTON and Senator COCHRAN addressed the bill, and not the committee amendment, did they not?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Very well. I will withhold until excepted committee amendment 7 is pending?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SEVENTH EXCEPTED COMMITTEE AMENDMENT—PAGE 32, LINE 23 THROUGH PAGE 36, LINE 10

Mr. WEICKER. Mr. President, by agreement with the ranking member, I now ask that the pending business be the seventh committee amendment.

The PRESIDING OFFICER. The seventh committee amendment is now before the Senate.

The seventh excepted committee amendment is as follows:

On page 32, line 23, strike ": Provided", through and including "Representatives" on page 33, line 1, and insert the following: *Provided*, That none of the funds appropriated in this Act shall be expended to provide legal assistance for or on behalf of any alien unless the alien is a resident of the United States and is—

(1) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a) (15), (20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

An alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203 (a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of section 1007 (b)(11) of the Legal Services Corporation Act, to be an alien described in subparagraph (C) of such section: *Provided further*, That none of the funds appropriated in this Act shall be used by the Legal Services Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that any recipient organized primarily for the purpose of providing legal assistance to eligible clients is governed by a body at least 60 percent of whose membership consists of attorneys who are admitted to practice in the State in which the legal assistance is to be provided and who are appointed to terms of office on the governing body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the recipient is to provide legal assistance. Any such atttorney, while serving on such board, shall not receive compensation from a recipient: *Provided further*, That none of the funds appropriated in this Act shall be expended by the Corporation to participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself: *Provided further*, That none of the funds appropriated in this Act shall be available to any recipient to be used, directly or indirectly—

(A) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or

(B) to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official, upon the formal request of such official: *Provided further*, That none of the funds appropriated in this Act shall be used to bring a class action suit against the Federal Government or any State or local government except in accordance with policies or regulations adopted by the Board of Directors of the Legal Services Corporation.

Mr. WEICKER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated November 3, 1981, signed by 37 Senators, in connection with funding for the Legal Services Corporation.

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

DEAR COLLEAGUE: Within the next few days the Senate will be considering H.R. 4169, funding for the Departments of State, Justice, Commerce, the Judiciary and Related Agencies for Fiscal Year 1982. We are writing to ask your support for the Committee's action regarding funding for the Legal Services Corporation.

The Committee has recommended a funding level of $241,000,000 for the Legal Services Corporation. Restrictions have been placed on the Corporation in four major areas. These provisions restrict lobbying activities; limit involvement in class action suits against Federal, State and local governments; establish requirements to give the local bar a greater voice in legal service programs; and, restrict Corporation involvement in the representation of aliens.

Legitimate concerns about the operation of the Legal Services Corporation have been expressed by members of the Senate. The Committee has effectively dealt with these concerns in a manner that will prevent abuse while continuing the most important activities of this program.

The $241.000.000 figure represents a 25 percent reduction in funding for the LSC, and it does not exceed the budget. Although this figure exceeds the assumption under the First Budget Resolution figures, the subcommittee decreased funding in other programs within its jurisdiction to stay within its overall budget guidelines.

We believe that the Corporation is necessary to insure that all citizens are provided access to our system of justice. We will support the Committee proposal during floor consideration of H.R. 4169 and urge you to join with us.

With kindest personal regards.

Lowell P. Weicker, Jr., Chairman, State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee; Ernest F. Hollings, Ranking Minority Member, State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee; David Durenberger, Warren Rudman, Edward M. Kennedy, Dennis DeConcini, Daniel K. Inouye, Ted Stevens, Mark O. Hatfield, Howard M. Metzenbaum, Paul S. Sarbanes.

John C. Danforth, Henry M. Jackson, George J. Mitchell, Thomas F. Eagleton, Arlen Specter, Daniel Patrick Moynihan, Patrick J. Leahy, Dale Bumpers, Slade Gorton, John H. Chafee, Donald W. Riegle, Walter D. Huddleston, Harrison A. Williams, Jr., John Heinz, Quentin N. Burdick.

Jennings Randolph, Bill Bradley, Charles H. Percy, Spark M. Matsunaga, William S. Cohen, Christopher Dodd, Claiborne Pell, Joseph R. Biden, Jr., Paul E. Tsongas, Charles McC. Mathias, Jr., David Pryor.

Mr. HOLLINGS. Mr. President, I rise in support of the Appropriations Committee's approach to funding for the Legal Services Corporation. Let me explain several things about the committee's approach to the $241 million appropriated for the Legal Services Corporation in this bill. I hope these explanations will lay to rest many of the issues that will undoubtedly be brought forward by the critics of this program.

The Senate Appropriations Committee has recommended a funding level for the Legal Services Corporation of $241 million for the 1982 fiscal year. This is a 25-percent reduction from its current funding level. Let me emphasize that a 25-percent reduction is substantial and severe. It will definitely mean that branch offices around the country will be closed, clients will be denied civil legal services, and fewer cases will be brought. The national office of the Corporation has already been pared to the bone in anticipation of such a cut.

I strongly urge against any action to cut this program further. We simply cannot maintain it in all parts of the country at any lower levels. An appropriation level in the $100 million range is not practical. You simply cannot maintain this program with a 70-percent cut, which a $100 million appropriation would be.

If you do not believe in legal services for the poor, then abolish the program. But do not waste valuable dollars funding it at such a low level it cannot possibly do its work.

Some of my colleagues will try to tell you that this $241 million appropriation for legal services will "bust the budget" and that it exceeds the first concurrent budget resolution. As the ranking member of the Senate Budget Committee, I have some knowledge of the work of that committee this year. I can tell you absolutely that this appropriation is not in conflict with and is not inconsistent with the first concurrent budget resolution.

Maybe we should remind ourselves what the budget resolution in fact does: It sets ceilings. It sets ceilings on functional areas. Agencies are not line itemed

in the first concurrent budget resolution. If you read that resolution you will not find one word in it about funding for the Legal Services Corporation. Rather it sets functional ceilings which have been allocated to the various appropriations subcommittees. Rather than "busting the budget," this State, Justice appropriations bill is under the allocations of the first concurrent budget resolution in its appropriations. In fact, it is $169 million under that first concurrent resolution. I repeat, it is simply not the case that funding the Legal Services Corporation is inconsistent with the first concurrent budget resolution.

We have all heard many horror stories about legal services. Some of the stories may have shreds of truth in them, but far too many just do not stand up when compared to the actual facts. Nevertheless, our committee took action—strong and bipartisan action—to deal with the most offensive activities of the legal services program. We placed restrictions on the use of the funds appropriated to the Legal Services Corporation for fiscal year 1982.

There have been many complaints about improper lobbying activities. The committee has added an amendment which narrowly allows legislative advocacy by a Legal Services lawyer for an eligible client.

There have also been complaints about the use of class actions by Legal Services lawyers. Even though class actions constitute only a very, very small percentage of the cases handled by legal services programs, the committee decided controls were needed. Therefore, we added an amendment to restrict the use of appropriated funds for class action lawsuits against Federal, State or local governments, except in accordance with policies and regulations adopted by the Board of Directors of the Legal Services Corporation.

The committee included an amendment limiting the use of funds for the representation of aliens. We defined specifically those aliens for whom representation may be provided.

Finally, to increase the involvement of the local bar associations in the governance of the local legal services programs, we included an amendment requiring local bar associations to name the lawyer board members to the local program's board of directors.

With these restrictions, the committee believes that the Legal Services Corporation and its programs will be able to continue to provide legal services while avoiding the problems in the past.

As a final note, I want to explain one other vital fact about the Legal Services Corporation. It is governed nationally by a Board of Directors whose members are appointed by the President of the United States with our advice and consent. We have heard criticisms that the Corporation and its Board of Directors are too liberal or too radical. Yet at this very moment President Reagan has the authority—and many would say responsibility—to appoint the entire Board, all 11 members of the Board of Directors of the Legal Services Corporation. If the administration is critical of the current Board and its policies, then the President should take steps to replace the current leadership. It seems strange to me that the President would not exercise his authority here—especially with a program with which he has strong disagreements.

I believe that the actions taken by the committee in imposing new restrictions should be accompanied by action by the President in appointing a new Board of Directors to insure new leadership is brought to this program.

Therefore I urge all Members to support this bill.

● Mr. GRASSLEY. Mr. President, I have long been concerned with evidence that has been presented to me as a Member of the House and Senate, that the Legal Services Corporation has strayed far from the intentions of Congress when it gave birth to the organization in 1974. The Legal Services Corporation, at times, has abandoned its original purpose of providing equal access to the courts for the Nation's poor and, instead, given chase to social activism and law reform.

I have, in the past, brought to the attention of my colleagues a number of incidents which have occurred in my own State that would bear out that assertion. I do not intend to go into any more detail, at this time, as to the particulars of those situations. Suffice it to say, however, that I am pleased the Congress has recognized the need to place more stringent restrictions and provide specific guidance for the activities of the Legal Services Corporation and its grantees. I commend the committee for its responsiveness to these sorely needed changes.

However, I concur with my distinguished colleagues from North Carolina and South Carolina that there are several areas of reform that are not covered as comprehensively in the committee amendment as they were in the House. I would, therefore, urge my colleagues to support Mr. HELMS and Mr. THURMOND in opposing the committee amendment to the Legal Services program and preserving the House's actions.

I prefer the House version of operating restrictions on the Legal Services Corporation because I feel that it would more effectively counter abuses that have been documented in this program. For example, the committee amendment provides that no funds appropriated under this act may be used to bring class action suits against the Federal, State, and local governments, unless such action is brought in accordance with policies or regulations adopted by the Board of the Corporation.

Currently, local boards can authorize class action suits. The committee's intent that the Board itself regulate class action suits through issuance of policies and regulations is, I admit, an improvement over current law. However, the House amendments place an overall prohibition on such actions which, in my mind, is more desirable.

In addition, I feel that the House version offers more detailed restrictions on the use of funds to support legal activities in cases relating to abortions, unless abortion is necessary to save the life of the mother. It would not prohibit, however, the provision of legal advice to an eligible client with respect to the client's legal rights and responsibilities. This is a reasonable approach and one that is undoubtedly superior to current law. Let me add that the committee amendment contains no clarification or provision regarding the use of funds for abortion cases.

In general, I would like to emphasize that the House version offers a more detailed framework for control of Legal Services Corporation's activities. While the House restrictions are not a cure-all, they certainly represent a more effective approach than those proposed by the committee. I am hopeful that they would help bring this program closer to its congressional mandate and would insure that Federal moneys received by LSC grantees are spent properly. Therefore, I urge my colleagues to oppose the committee's amendment and retain the more restrictive House language.●

Mr. THURMOND. Mr. President, today, I wish to express my opposition to the committee amendment to the State-Justice-Commerce appropriations bill, dealing with restrictions on the Legal Services Corporation.

The amendment would delete the operating restrictions placed on the Legal Services Corporation by the House of Representatives, and would substitute for these restrictions new guidelines for LSC activities substantially less restrictive than those proposed by the House.

Mr. President, the House-passed restrictions are designed to prevent the repeated past abuses which have been perpetrated by LSC employees. Rather than attending to the legitimate, basic legal needs of the poor and disadvantaged, the grantees of the Corporation and their employees have, in many instances, misused taxpayer dollars to promote their own personal ideas of social justice or change, using the poor they represent to obtain standing in their suits. This misuse of taxpayer dollars must stop.

While I do not believe the House restrictions are a certain cure for the abuses which have occurred in the past, indeed I remain opposed to further funding for the LSC at this time, the House restrictions certainly represent a more realistic approach to assuring a proper use of taxpayer dollars than do those proposed by the committee.

This Corporation, originally designed to give aid to those Americans too poor to afford legal help in such basic matters as settling disputes with their landlords or domestic relations problems such as divorce and child support, has instead become a weapon used by social and judicial activists in an unending battle against the very Government that funds their activities. The Federal Government simply has no business funding Legal Services Corporation activities promoting abortions, advocating forced school busing or lobbying the Congress and State legislatures. All Americans deserve their day in court; however, experimentation on behalf of novel legal theories and rights, where it is pursued,

should be pursued through the private sector, not with Government funding supplied for the purpose of helping lower income Americans with basic legal services.

If my colleagues will compare the House-passed restrictions with those being offered by the committee, they will find that the concerns I have just disclosed are presented and addressed in a much more detailed, comprehensive, and effective manner by the House. The committee restrictions do not prohibit class actions against Federal, State, and local governments; the House restrictions do. The committee restrictions do not address the problem of LSC involvement and participation in abortion cases; the House restrictions do. The committee restrictions do not address the problem of LSC involvement and participation in cases dealing with homosexuality; the House restrictions do.

Mr. President, the House restrictions are simply better than those proposed by the committee; it is as simple as that. If we are to continue funding the Legal Services Corporation, continue to finance the activities of hundreds of attorneys across this country, we should try our best to assure that the services to be provided are only those which were intended by the Congress. I do not believe there is much question as to which set of restrictions now before us are better able to perform this function.

I urge the defeat of the committee substitute for the House language.

● Mr. RIEGLE. Mr. President, I rise to state my strong support for the $241 million appropriation level for the Legal Services Corporation for fiscal year 1982.

I, for one, would have preferred to see legal services maintained at present funding levels. Cuts in this vital program can only add to the frustration and hardship of poor people who are already forced to contend with massive cuts in social service, education, and health programs. To cripple or eliminate the budget of the Legal Services Corporation—fully 93.4 percent of which goes directly to local agencies who deliver necessary legal services to the poor—is false economy, pure and simple. Nevertheless, the $241 million appropriation included in this bill is a substantial improvement over earlier figures proposed by the administration.

The committee has responded to criticism of the Corporation's activities voiced by some Members of this body by attaching several new restrictions to the legal services program. Although I intend to support the bill in its present form, I question the wisdom of a process which would seek to intrude on the judgment of an attorney as to how he or she might best serve a given client's needs. I would further question sanctions which would limit the access of poor, disabled and elderly citizens to legal assistance available to more affluent members of our society.

And finally, I am concerned that the new provisions outlining the composition of local governing boards may act to severely limit the representation of members of minority and women's bar associations. Although I question the restrictions, I believe the committee has acted responsibly to address controversy surrounding the Corporation's activities in order to insure the continuation of vital legal services to our Nation's needy. I would only hope that the serious deliberation of the committee on these issues will be respected, and that no further efforts to intrude on the attorney/client relationship will be supported by this body.

Mr. President, I have long been a supporter of the Legal Services Corporation. Its record of efficiency is commendable and demonstrates the wisdom of a program that channels funds directly to the local agencies which provide legal services, without intervening of separate State and local bureaucracies.

I argued strongly for the inclusion of funding for this program during Budget Committee consideration of the first budget resolution. As a cosponsor of legislation to reauthorize the Legal Services Corporation, I have opposed efforts in committee and on the floor to eliminate this important program. Access to the justice system for all its members may be the single most important indicator of a healthy democratic society. I urge my colleagues to join me today in support of continued funding for the Legal Services Corporation.●

Mr. HELMS. Mr. President, I think it is essential to point out at this point that the Senate committee amendment is totally inadequate to restrain the Legal Services Corporation. The Senate version leaves out many important restrictions for cutting off the expenditure of taxpayers' money to recipient organizations which violate regulations, as well as restrictions on encouraging political activities, labor or antilabor activities, boycotts, strikes, demonstrations, prohibitions on litigation relating to abortion (unless necessary to save the life of the mother), on litigation relating to school desegregation, on lobbying.

Those are just a few. And also, the Senate version omits the requirements for audits which the House version has: It omits authority for GSA participation in such audits.

In other words, Mr. President, the committee language is totally unsatisfactory.

Mr. President, I raise the point of order that committee amendment No. 7 is authorization language in an appropriation bill.

Mr. WEICKER. Mr. President, I raise the question of germaneness of the committee amendment.

The PRESIDING OFFICER. The question of germaneness having been raised, under rule XVI it must be submitted to the Senate without debate. The question is, Is the amendment germane?

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

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

The question is, Is the committee amendment on page 32, line 23, through and including page 36, line 10 germane?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from Maryland (Mr. MATHIAS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

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

Mr. ROBERT C. BYRD. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Montana (Mr. MELCHER), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I also announce that the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Mr. LEVIN) are absent because of illness.

I further announce that, if present and voting, the Senator from Michigan (Mr. LEVIN) and the Senator from Ohio (Mr. METZENBAUM) would each vote "yea."

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

The result was announced—yeas 57, nays 23, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—57

Abdnor	Dole	Mitchell
Andrews	Durenberger	Nunn
Baker	Eagleton	Pell
Bentsen	Ford	Percy
Biden	Gorton	Pressler
Boschwitz	Hatfield	Randolph
Bradley	Hawkins	Riegle
Bumpers	Heflin	Rudman
Burdick	Heinz	Sarbanes
Byrd, Robert C.	Hollings	Sasser
Chafee	Huddleston	Schmitt
Chiles	Inouye	Specter
Cochran	Jackson	Stafford
Cohen	Johnston	Stennis
D'Amato	Kassebaum	Stevens
Danforth	Kennedy	Tsongas
DeConcini	Laxalt	Warner
Dixon	Lugar	Weicker
Dodd	Matsunaga	Williams

NAYS—23

Armstrong	Helms	Quayle
Byrd, Harry F., Jr.	Humphrey	Roth
	Jepsen	Simpson
Denton	Kasten	Symms
Exon	Mattingly	Thurmond
Garn	McClure	Tower
Grassley	Nickles	Wallop
Hatch	Proxmire	Zorinsky

NOT VOTING—20

Baucus	Goldwater	Melcher
Boren	Hart	Metzenbaum
Cannon	Hayakawa	Moynihan
Cranston	Leahy	Murkowski
Domenici	Levin	Packwood
East	Long	Pryor
Glenn	Mathias	

The PRESIDING OFFICER. The amendment is germane, and the point of order falls.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment is germane and the point of order falls.

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

The motion to lay on the table was agreed to.

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

Mr. HELMS. Mr. President, I thank the Chair.

Mr. President, we have just gone through a little exercise for the purpose of proving a point.

Since the day I came the first time in this Chamber I have heard all sorts of declarations about legislating on an appropriations bill. Horrors upon horrors, the very idea of legislating on an appropriations bill.

Now we see the truth. It depends on whose ox is getting gored.

I ask the Chair: What was the tally on the last vote?

The PRESIDING OFFICER. The tally was 57 yeas and 23 nays on the last vote.

Mr. HELMS. Fifty-seven to twenty-three. All right. We have at least 57 of our colleagues who are on record now saying it is OK to legislate on an appropriations bill.

You cannot get around it. I do not want to hear any complaints from my colleagues when I bring up a social issue, or whatever, about legislating on an appropriations bill.

That is the reason I raised that point of order.

I entertained little hope at all that the Senate would examine the germaneness in a proper way.

Let me make one more confession. I favor legislating on an appropriations bill; and I am going to continue when I think it is in the best interest of the American people to attempt to legislate on an appropriations bill.

That said, Mr. President, let us see what this committee amendment that is in dispute is all about. The House made the appropriations of $241 million subject to the restraints of H.R. 3480, the authorization bill which has already passed the House. The committee struck the House language and inserted weak language of its own. Let us look on page 4 of H.R. 3480, beginning on line 7, with the title "Enforcement and Sanctions."

We are talking about H.R. 3480, the House version incorporated by reference in H.R. 4169, beginning on page 4, line 7. We are talking about the House bill which provided all sorts of protections and enforcement sanctions. Section 4 reads:

SEC. 4. (a) Section 1006(b)(5) of the Legal Services Corporation Act (42 U.S.C. 2996(b)(5)) is amended by striking out the second sentence and inserting in lieu thereof the following: "The Board, within thirty days after the date of enactment of the Legal Services Corporation Act Amendments of 1981, shall issue regulations to provide for the enforcement of this title, which regulations shall include, among available remedies, provisions for the immediate suspension of financial assistance under this title, suspension of an employee of the Corporation or any employee of any recipient by such recipient, and the reduction or termination of such assistance or employment as deemed appropriate for the violation involved.

The committee amendment makes no provision for suspending funds to violators of the regulations.

Let us move on to page 7, line 7:

LIMITATION ON CLASS ACTIONS

SEC. 6. Section 1006(d)(5) of the Legal Services Corporation Act (42 U.S.C. 2996e(d)(5)) is amended by adding at the end thereof the following: * * *

And note how straightforward the House version is:

No class action suit may be brought against the Federal Government or any State or local government.

That is all there is: The committee adds provisions to render the prohibition nugatory.

In other words, our committee says, "Come on, boys, use the taxpayers' money to sue the Federal Government, the State government, the local government."

On the same page 7 Liability for Attorney's Fees:

SEC. 7. Section 1006(f) of the Legal Services Corporation Act (42 U.S.C. 2996c(f)) is amended to read as follows:

"(f) If an action is commenced by the Corporation or by a recipient and a final order is entered in favor of the defendant and against the Corporation or a recipient's plaintiff, the court shall, * * *

And note, from this point on, what the House says:

* * * upon motion by the defendant and upon a finding by the court that the action had no reasonable basis in law, or fact, enter an order (which shall be appealable before being made final) award reasonable costs and legal fees incurred by the defendant in defense of the action, * * *

Mr. President, is that not reasonable? Should we allow Legal Services to attack citizens when there is no reasonable basis in law, and force those citizens to bankrupt themselves with legal defense fees?

Mr. President, I know that there are not many Senators listening, but I hope that somewhere along the line all Senators and a great many other people will read the text of what I am saying later on. It will be too late because the committee amendment is going to be adopted. Senators are not paying any attention to the implications of it, and it is a Friday afternoon and all the rest of it.

But let us move on to page 8 of H.R. 3480. At line 13, this is under the heading, "Negotiation Requirement,"

SEC. 8. Section 1007(a) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)), as amended by section 4(c) of this Act, if further amended—

(1) in paragraph (9) by striking out "and" after the semicolon;

(2) in paragraph (10) by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

And so forth.

(Mr. KASTEN assumed the Chair.)

Mr. HELMS. We get down to line 13, and listen carefully:

Require recipients to attempt to negotiate a settlement of controversies before filing suit in order to prevent the persistent incitement of litigation and to encourage the resolution of such controversies through compromise and settlement rather than through litigation,

Our committee never addressed that problem. They said, "Go on, have these lawsuits financed by the taxpayers; don't try to resolve anything. Let these Legal Services Corporation lawyers just have at it."

Page 9, beginning at line 10, and refers to the involvement of the private bar:

(12) in each fiscal year, to the extent feasible and consistent with paragraph (3) of this subsection make available substantial amounts of funds to provide the opportunity for legal assistance to be rendered to eligible clients by private attorneys,

Why did the committee ignore that issue? No, we seem to want a horde of Government attorneys on the payroll.

Page 11 of H.R. 3480 with respect to the section "Allocation of Funding" which actually begins on line 17 of page 10, paragraph (14):

Unless minimum access to legal assistance is available or provided in all parts of the country, allocate basic field grants so as to insure

Here is the point:

that no greater level of access to legal assistance funded by the Corporation is available or provided to any part or area of the country than is available or provided to all parts of the country.

Out the window it went, Mr. President. Why should not the Corporation's funds be distributed on an equitable geographic basis?

On the same page, page 11, line 24, the issue of participation by the private bar is raised again:

At least one recipient in each State provides legal assistance to eligible clients through a private bar component with open participation rights by members of the bar.

I thought we were trying to encourage the bar to help the needy.

Page 12, the same page, line 22:

No funds made available to carry out this title may be used (1) to provide legal assistance to promote, defend, or promote homosexuality,

The House tried to deny legal assistance to promote, defend, or protect homosexuality. The House took a position on that. The Senate said, "Oh, no, we will strike that."

Moving on to the next page, page 13, line 9, the committee amendment completely failed to include House restrictions intended—

to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities,

Now, those important restrictions were omitted. It is like saying, "Go ahead, boys and girls, use the taxpayers' money to promote particular public policies or political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities." Out the window it went.

Same page, line 19, another key restraint was left out. The House language prohibited funds—

to provide legal assistance with respect to any proceeding or litigation relating to abor-

tion unless such abortion is necessary to save the life of the mother,

The House would have excluded funds for that. The Senate took that out.

Page 14, line 6, the House did not feel it appropriate to provide legal assistance with respect to, and I am quoting line 6:

to provide legal assistance with respect to any proceeding or litigation relating to the desegregation of any elementary or secondary school or school system.

That was taken out.

Page 17 under "Civil Actions" line 2 of this authority was omitted:

The Corporation may bring an action in the appropriate district court of the United States to compel the specific performance of any agreement between the Corporation and any recipient for the provision of legal services under this title.

In other words, the Corporation would not have grounds to sue, if its contracts were breached, under the Senate committee version.

Well, that is not all of them, Mr. President, but I think it illustrates the point. This has been a very valuable day for me because now I understand the arithmetic of the position of the majority of Senators on this business of legislation on appropriation bills. Fifty-seven Senators say it is OK to legislate on this bill.

The Chair would absolutely have ruled in favor of my point of order had it not gone to the germaneness issue at the insistence of the distinguished and able Senator from Connecticut, who is my friend. I think Senator WEICKER knew how the Chair was going to rule on my point of order.

So I say again, Mr. President, the committee amendment is totally inadequate to restrain the abuses and derelictions of the so-called Legal Services Corporation.

The Senate version leaves out important restrictions for cutting off aid to recipient organizations which violate regulations as well as restrictions on encouraging political activities, labor or antilabor activities, boycotts, strikes, demonstrations, prohibition on litigation relating to abortion unless necessary to save the life of the mother, on litigation relating to school desegregation, on lobbying.

Here we are appropriating $241 million without authority, without proper consideration of what restraints ought to be on that authority. Many Senators said earlier that they thought the Legal Services Corporation was important to the concept of law and order. We have no law and no order. There is no legislation, only the appropriation. This is not an orderly way to proceed.

That is the reason, Mr. President, why I say the committee amendment ought to be rejected.

No doubt this amendment will not be rejected. I am speaking in a virtually empty Chamber, and this is one of these issues where public perception prevails instead of what the legislation itself says. The media will help promote the myth that those who question or oppose this Legal Services Corporation are ipso facto opposed to legal services for the poor.

I protest that perception. The question is how those services will be delivered.

I yield the floor.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized. Prior to that I wish to indicate that there is a previous order scheduled for 2 p.m. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I wish to alert my good friend from North Carolina and I want to have him hear what I have to say. I move the adoption of committee amendment No. 7.

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

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

The yeas and nays were ordered.

Mr. WEICKER. Is there time to have the yeas and nays?

The PRESIDING OFFICER. The yeas and nays have been ordered. However, under the previous order, the hour of 2 o'clock having arrived, the Senate will now go into executive session to consider Executive Calendar No. 10, which the clerk will report.

Mr. WEICKER. Mr. President, I ask unanimous consent that the special order commence at 2:20 rather than the hour of 2 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The special order for 2 o'clock will be delayed until 2:20.

The PRESIDING OFFICER. Is there further debate on committee amendment No. 7? If not, the question is on agreeing to committee amendment No. 7. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

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

Mr. ROBERT C. BYRD. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MELCHER), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

I also announce that the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Mr. LEVIN) are absent because of illness.

I further announce that, if present and voting, the Senator from Michigan (Mr. LEVIN), the Senator from Ohio (Mr. METZENBAUM), and the Senator from Montana (Mr. BAUCUS) would each vote "yea."

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 33, as follows:

[Rollcall Vote No. 373 Leg.]

YEAS—47

Abdnor	Durenberger	Pell
Andrews	Eagleton	Percy
Baker	Ford	Pressler
Biden	Gorton	Randolph
Boschwitz	Hatfield	Riegle
Bradley	Hawkins	Rudman
Bumpers	Heflin	Sarbanes
Burdick	Heinz	Sasser
Chafee	Hollings	Specter
Cochran	Huddleston	Stennis
Cohen	Inouye	Stevens
D'Amato	Jackson	Tsongas
Danforth	Kennedy	Wallop
DeConcini	Matsunaga	Weicker
Dixon	Mitchell	Williams
Dodd	Murkowski	

NAYS—33

Armstrong	Hatch	Nunn
Bentsen	Helms	Proxmire
Byrd, Harry F., Jr.	Humphrey	Quayle
	Jepsen	Roth
Byrd, Robert C.	Johnston	Simpson
Chiles	Kassebaum	Symms
Denton	Kasten	Thurmond
Dole	Laxalt	Tower
Domenici	Lugar	Warner
Exon	Mattingly	Zorinsky
Garn	McClure	
Grassley	Nickles	

NOT VOTING—20

Baucus	Hart	Metzenbaum
Boren	Hayakawa	Moynihan
Cannon	Leahy	Packwood
Cranston	Levin	Pryor
East	Long	Schmitt
Glenn	Mathias	Stafford
Goldwater	Melcher	

So committee amendment No. 7 on page 32, line 23, through page 36, line 10 was agreed to.

Mr. WEICKER. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

ADDITIONAL PROTOCOL I TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (THE TREATY OF TLATELOLCO)

The PRESIDING OFFICER. Under the previous order, the hour of 2:30 having arrived, the Senate will now go into executive session to consider Calendar Order No. 10, Executive I, 95–2, which the clerk will state by title.

The assistant legislative clerk read as follows:

Executive I, 95th Congress, second session, Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America (The Treaty of Tlatelolco).

The PRESIDING OFFICER. The time for debate on this matter is 15 minutes equally divided between the Senator from Illinois (Mr. PERCY), the distinguished chairman of the Committee on Foreign Relations, and Senator PELL, the ranking minority member.

Mr. PERCY. Madam President, the Senate today will be taking a long overdue step in approving protocol I to the

Treaty of Tlatelolco, the treaty which prohibits nuclear weapons in Latin America. Protocol I is designed to gain adherence to the obligations of the treaty by countries which have non-self-governing territories in Latin America. In the case of the United States, such territories include Puerto Rico, the Virgin Islands, and the Guantanamo Naval Base. This protocol was signed for the United States in 1977 and submitted to the Senate in early 1978. It has remained before the committee since that time, not because of any substantive problem with the protocol itself, but because of a dispute between the committee and the executive branch regarding access to a letter from the National Security Council to the Joint Chiefs of Staff.

Madam President, I think that dispute is clearly moot with the change in administration. But in any case, we were very careful in our hearing on September 15 to confirm that the views of the Joint Chiefs of Staff on this protocol were arrived at objectively and independent of any influence from outside persons or agencies. The Joint Chiefs have made clear their full support for this agreement, coupled with the understandings added by our committee, and position.

The only major substantive issue raised about this protocol concerns the right of the United States to transport nuclear weapons through the Latin American zone on vessels and aircraft. I think it is beyond debate that the protocol would not limit that right, but to make it perfectly clear that the United States ratifies the protocol with that understanding, the committee has incorporated a set of understandings proposed by the administration. Senators will note the text of those understandings in the proposed resolution of ratification.

Madam President, the only cloud on this issue is a Soviet statement which was made at the time the Soviet Union signed the other protocol to this treaty—protocol I—which involves adherence by nuclear weapons states. The Soviets stated in 1978 that they regarded transit of nuclear weapons as incompatible with the objectives of the treaty. This is not only an unfounded statement as a legal matter, Madam President, it is clearly not a constructive contribution to the broader process of arms control. Given Soviet activities in Cuba and the Caribbean and the operations of their own nuclear submarines in those areas, it is also a hypocritical position. It undermines our confidence in the ability of both of our countries to cooperate in good faith in the interest of meaningful arms control while respecting the legitimate security needs of each other. I trust the Soviets recognize the unhelpful nature of such propaganda statements and will refrain from them in future efforts to broaden the arms control process.

In that regard, I am encouraged that the Soviets have not repeated assertions to the contrary, despite several opportunities to do so. Hopefully, they have dropped this view of the protocol and will make that clear in the future.

Madam President, I conclude by noting that this protocol represents the first tangible step of the Reagan administration on the agenda of arms control, and the first formal action by the Senate to endorse a concrete step in that all-important agenda. I hope that it will be only the first in a series of such steps that we will be taking jointly with President Reagan during the next 3 years and beyond. I urge my colleagues to give their support to Senate advice and consent.

Madam President, I know of no opposition to this treaty. The treaty is a long overdue step.

Mr. PELL. Madam President, I strongly support Senate advice and consent to ratification of the additional protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America, known as the Treaty of Tlatelolco. Protocol I will obligate the United States not to test, use, store, or deploy nuclear weapons in the principal territories of Puerto Rico, the Virgin Islands, and Guantanamo Naval Base.

This protocol is an important adjunct to the treaty, which established the first nuclear-free zone in any populated region of the world. U.S. ratification should help further efforts to achieve full entry into force of the treaty. At present 22 Latin American States have ratified the treaty and are bound by its terms. When several further steps are taken, including French ratification of protocol I, Argentine ratification of the treaty, and Cuban signature and ratification of the treaty, it will enter fully into force. At that time Chile and Brazil will also become bound by the treaty.

This treaty, which was essentially a Latin American initiative, is a little known, but very worthwhile accomplishment. In joining this treaty, the parties have obligated themselves to prohibiting manufacture, testing, use, storage, deployment, or possession of nuclear weapons. As a result, the nations involved are helping to guarantee to each other that the nuclear threat which could be posed in that region of the world will be curbed. By avoiding the waste of precious funds on nuclear programs the nations of Latin America have enabled themselves to devote resources to more productive and human needs. We should all commend them. I am glad we are able to give them tangible evidence of our backing in our action today.

I hope that this step will help encourage actions by others. As an example, the Treaty of Tlatelolco could be a precedent for other regions, in particular the Middle East. In that connection, I should note that Israel, Egypt, and other countries last year joined with the United Nations in adopting a resolution calling for a Mideast nuclear weapons free zone.

Madam President, I hope that U.S. ratification of protocol I will help demonstrate continued American interest in and support of efforts to control nuclear proliferation. Recent concerns over nuclear programs in Iraq and Pakistan demonstrate that nuclear proliferation is no idle concern. We cannot afford a laissez-faire approach to the matter, since, if we fail to act firmly and decisively, our children and grandchildren could face a world of nuclear threats more dire than we can now imagine.

I thank the Chair.

Mr. PERCY. Madam President, I am prepared to yield back the remainder of my time.

I am happy to yield to the Senator from Connecticut.

Mr. DODD. Madam President, in the immediate aftermath of World War II, Albert Einstein offered this observation regarding the future of atomic energy:

> Since I do not foresee that atomic energy is to be a great boon for a long time, I have to say that for the present it is a menace. Perhaps it is well that should be. It may intimidate the human race into bringing order into its international affairs, which, without the pressure of fear, it would not do.

Ever mindful of Einstein's admonition, I rise in support of Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America, which is commonly referred to as the Treaty of Tlatelolco.

Basically, the purpose of the pending agreement is to bring within the scope of the proposed Latin American nuclear-free zone those territories which are the possessions of nations outside the zone. In concrete terms, then, protocol I would obligate the United States not to test, use, store, or deploy nuclear weapons in the territories under U.S. control located within the zone of application; namely, Puerto Rico, the Virgin Islands, and the Guantanamo Naval Base.

By way of background, Madam President, protocol I was signed by President Carter in 1977 and forwarded in 1978 to the Senate for its advice and consent. Although hearings were held later that year before the Foreign Relations Committee, no further action was taken on the protocol until September 22 of this year. At that time, an array of executive branch officials appeared before the committee and, in no uncertain terms, placed the Reagan administration's stamp of approval on the agreement that is now before us. Eugene Rostow, Director of the Arms Control and Disarmament Agency, summed up the administration's view in these terms:

> Our ratification (of Protocol I) will complete formal U.S. participation in the treaty regime, and will promote hemispheric solidarity, good relations with our Latin American neighbors and will provide significant benefits for national security and nonproliferation objectives. I recommend that the Senate take prompt and favorable action on Protocol I of the Treaty of Tlatelolco in recognition of this important regional arms control initiative and for the important benefits it represents to the United States.

Madam President, I wholeheartedly agree with the Rostow assessment and I believe it is fair to say that the entire Foreign Relations Committee takes the same positive view of this agreement. Here, I point out that when the committee voted favorably to report protocol I to the Senate, it did so without a single dissenting vote.

My hope is that the Senate as a whole will follow the committee's lead and will, after long last, give its resounding endorsement to the pending measure, the sole objective of which is to bring us closer to the day when the Latin American and Caribbean region is freed from the specter of nuclear weapons deploy-

ment. This objective is not only laudable. it is necessary—vitally necessary.

Protocol I to the Treaty of Tlatelolco should be approved overwhelmingly.

I am in strong support of this treaty, Madam President.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PERCY. Madam President, the Senator from Illinois has yielded back his time.

Mr. PELL. We yield back our time, Madam President.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the resolution of ratification on Executive I, 95th Congress, 2d session, additional protocol I to the treaty for the prohibition of nuclear weapons in Latin America (the Treaty of Tlatelolco).

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

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Mexico (Mr. SCHMITT), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

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

Mr. ROBERT C. BYRD. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MELCHER), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

I also announce that the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Mr. LEVIN) are absent because of illness.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) and the Senator from Montana (Mr. BAUCUS) would vote "yea."

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

The yeas and nays resulted—yeas 79, nays 0, as follows:

[Rollcall Vote No. 374 Ex.]

YEAS—79

Abdnor	Cochran	Gorton
Andrews	Cohen	Grassley
Armstrong	D'Amato	Hatch
Baker	Danforth	Hatfield
Bentsen	DeConcini	Hawkins
Biden	Denton	Heflin
Boschwitz	Dixon	Heinz
Bradley	Dodd	Helms
Bumpers	Dole	Hollings
Burdick	Domenici	Huddleston
Byrd, Harry F., Jr.	Durenberger	Humphrey
Byrd, Robert C.	Eagleton	Inouye
Chafee	Exon	Jackson
Chiles	Ford	Jepsen
	Garn	Johnston
Kassebaum	Pell	Specter
Kasten	Percy	Stennis
Kennedy	Pressler	Stevens
Laxalt	Proxmire	Symms
Lugar	Quayle	Thurmond
Matsunaga	Randolph	Tsongas
Mattingly	Riegle	Wallop
McClure	Roth	Warner
Mitchell	Rudman	Weicker
Murkowski	Sarbanes	Williams
Nickles	Sasser	Zorinsky
Nunn	Simpson	

NOT VOTING—21

Baucus	Hart	Metzenbaum
Boren	Hayakawa	Moynihan
Cannon	Leahy	Packwood
Cranston	Levin	Pryor
East	Long	Schmitt
Glenn	Mathias	Stafford
Goldwater	Melcher	Tower

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. WEICKER. Madam President, I move to reconsider the vote by which the resolution of ratification was agreed to.

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

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of legislative business.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1982

The Senate resumed consideration of H.R. 4169, the fourth excepted committee amendment—page 26, line 3.

Mr. WEICKER. Madam President, Senator HOLLINGS and I agreed to consider the committee amendment on page 26, line 3.

The fourth excepted committee amendment is as follows:

On page 26, line 3, strike "$387,136,000", and insert "$388,376,000";

UP AMENDMENT NO. 623

Mr. WEICKER. Madam President, I send to the desk an amendment to the committee amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) for himself and Mr. HOLLINGS proposes an unprinted amendment numbered 623.

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

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

The amendment is as follows:

On page 26, line 3 strike "$388.376,000" and insert in lieu thereof "$473,557,000".

On page 26, line 5, after the word "expended" insert "and of which $36.821,000 shall remain available until expended for construction".

Mr. WEICKER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Madam President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WEICKER. Madam President, the amendment, as I understand, amends the bill in two places. I ask unanimous consent that it be in order.

The PRESIDING OFFICER. Without objection, it is in order to consider the amendment.

Mr. WEICKER. The amendment I have sent to the desk increases the appropriation for the Immigration and Naturalization Service by $85,181,000. Of the additional amounts provided, $50,181,000 is for restoration of necessary enforcement capability and positions and for emergency requirements necessitated by the continued influx of Haitian refugees in south Florida. The remaining $35,000,000 is provided for the construction of a detention facility within the United States.

This amendment brings the total amount provided for the Immigration and Naturalization Service to $473,557,000—an increase of $110,181,000 over the amount requested in the March budget estimates submitted by the administration.

The administration has requested these additional funds as part of its comprehensive overhaul of U.S. immigration and refugee policy. The amendment which I have introduced—together with $25,000,000 provided by the committee—accomplishes the appropriations actions required by this program, $42,045,000 is targeted to provide effective border and interior enforcement and restore positions in adjudications and status vertification; and $33,136,000 is provided for the detention of Haitian refugees in Krome North and Fort Allen, Puerto Rico. In all, 898 positions and 179 workyears for inspections are restored.

As I have mentioned, we are providing $35 million for the construction of a permanent INS detention facility. Details on this project are currently being finalized by the Attorney General. The funds are recommended with the understanding that we expect to see these details by the time we go to conference on this appropriation act.

Mr. President, I ask unanimous consent that a table indicating the distribution of enforcement and detention funds under this amendment compared to the committee recommendation—be inserted in the RECORD at this point.

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

WEICKER/HOLLINGS AMENDMENT—IMMIGRATION AND NATURALIZATION SERVICE

[Dollar amounts in thousands]

Comparison by activities	Committee amendment		Weicker/Hollings amendment: Enforcement program		Weicker/Hollings amendment: Detention of Haitians		Comparison	
	Permanent positions	Amount	Permanent positions	Amount	Permanent positions	Amount	Permanent positions	Amount
Border enforcement:								
Inspections	200	$5,046	(1)	$4,883			−200	−$163
Border patrol—Immediate	160	10,102	160	9,939				−163
Antismuggling			7	583			+7	+583
Subtotal	360	15,148	167	15,405			−193	+257
Interior enforcement:								
Border patrol—Other			18	573			+18	+573
Investigations	309	4,327	121	4,327		$44	−188	+44
Subtotal	309	4,327	139	4,900		44	−170	+617
Detention and deportation:								
Detention			105	4,055	40	26,343	+145	+30,398
Deportation			22	3,228	8	3,671	+30	+6,899
Trial litigation			10	194	14	701	+24	+895
Judicial review			7	80	27	1,123	+34	+1,203
Subtotal			144	7,557	89	31,838	+233	+39,395
Service to the public:								
Adjudications operations	200	3,363	187	3,363	13	775		+775
Status verification	94	1,112	94	1,112				
Foreign offices	10	50					−10	−50
Subtotal	304	4,525	281	4,475	13	775	−10	+725
Support operations:								
Construction and engineering			5	38,310			+5	+38,310
Data systems		1,000	7	3,149			+7	+2,149
Communications			3	2,764			+3	+2,764
Records			20	208			+20	+208
Subtotal		1,000	35	44,431			+35	+4,431
Program direction:								
Executive direction			3	91			+3	+91
Administration			7	186	7	479	+14	+665
Subtotal			10	277	7	479	+17	+756
Total	973	25,000	789	77,045	109	33,136	−88	+85,181

[1] Amendment adds 179 work-years.

Mr. WEICKER. As a final word, Mr. President, I would only say that we all are keenly aware of the difficult situation presented by the continued influx of illegal refugees and aliens along our southern coast and borders. This amendment responds to the needs presented by that situation. There is an emergency which exists and the amendment deserves our support.

(At the request of Mr. ROBERT C. BYRD the following statement was ordered to be printed in the RECORD:)

● Mr. LEVIN. Mr. President, I would like to take this opportunity to speak in favor of the decision to restore vital funds to the budget of the Immigration and Naturalization Service and to insure that full-time INS positions will be reestablished at the level originally contemplated in the 1982 budget figures.

I would like to call attention to situation in my home State of Michigan. The combined traffic volume at the Detroit and Canada Tunnel and the Ambassador Bridge makes Detroit the largest inland port of entry on the Canadian border, and the lack of adequate service has caused the manufacturing and trucking industries to divert traffic to other points of entry.

Michigan continues to suffer with the highest unemployment rate in the Nation—more than double the national average—and yet Detroit sits in the heart of the manufacturing industry of the Midwest, greatly hampered by services afforded by the U.S. Government in expediting the movement of their goods across the border at this point. The crippling effect of these backups on the tourist and convention industry in the area is devastating.

The history of understaffing in Detroit INS has reached the crisis point. Michigan people—Michigan business—Michigan security are all directly and adversely affected by the vacancies currently in Detroit INS. These vacancies should not be filled with temporary employees who enjoy all the benefits but lack the skills and dedication of full-time INS staff people.

In addition to inspection responsibilities at the borders of the Ambassador Bridge and the Detroit-Windsor Tunnel, INS staff are responsible for border crossings in Port Huron, Sault Ste. Marie, a seaport and an international airport in Michigan, and for processing nearly 34,000 cases annually.

The situation is outrageous in Michigan. Restoration of INS funds is crucial. Vital to the automobile industry, the trucking industry, tourism and conventions, the import-export business and vital to security to deter increased drugs and undesirables admitted, to insure the removal of illegal entrants quickly and to prevent riots and disturbances as we have experienced in the Detroit-Windsor Tunnel when motorists were forced to endure long lines and long waits to cross the border.

Also of great import to the upgrading and direction of the Immigration and Naturalization Service is the expeditious naming of a new, qualified commissioner of that agency and confirmation of that person.

There is no doubt in my mind that restoration of these funds, nomination and confirmation of a new commissioner to guide the Immigration and Naturalization Service into full service is of utmost importance to the State of Michigan and indeed the entire Nation.●

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment of the Senator from Connecticut. The yeas and nays having been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from Maryland (Mr. MATHIAS), the Senator from Georgia (Mr. MATTINGLY), the Senator from Oregon (Mr. PACKWOOD), and the Senator from New Mexico (Mr. SCHMITT) are necessarily absent.

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

Mr. ROBERT C. BYRD. I announce

that the Senator from Montana (Mr. BAUCUS), the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MELCHER), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Tennessee (Mr. SASSER), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Vermont (Mr. LEAHY), and the Senator from Michigan (Mr. LEVIN) are absent because of illness.

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

The PRESIDING OFFICER (Mr. LUGAR). Are there any Senators in the Chamber who have not voted who wish to vote?

The result was announced—yeas 54, nays 23, as follows:

[Rollcall Vote No. 375 Leg.]

YEAS—54

Abdnor	Durenberger	Murkowski
Andrews	Eagleton	Nickles
Bentsen	Ford	Nunn
Biden	Gorton	Pell
Boschwitz	Hatfield	Percy
Bradley	Hawkins	Pressler
Bumpers	Hollings	Randolph
Byrd, Robert C.	Huddleston	Riegle
Chafee	Humphrey	Rudman
Chiles	Inouye	Sarbanes
Cochran	Jackson	Simpson
Cohen	Johnston	Stafford
D'Amato	Kassebaum	Stennis
Danforth	Kennedy	Stevens
DeConcini	Laxalt	Thurmond
Denton	Lugar	Tower
Dodd	Matsunaga	Tsongas
Dole	Mitchell	Weicker

NAYS—23

Armstrong	Grassley	Proxmire
Burdick	Hatch	Quayle
Byrd, Harry F., Jr.	Heflin	Roth
	Heinz	Specter
Dixon	Helms	Symms
Domenici	Jepsen	Wallop
Exon	Kasten	Warner
Garn	McClure	Zorinsky

NOT VOTING—23

Baker	Hart	Metzenbaum
Baucus	Hayakawa	Moynihan
Boren	Leahy	Packwood
Cannon	Levin	Pryor
Cranston	Long	Sasser
East	Mathias	Schmitt
Glenn	Mattingly	Williams
Goldwater	Melcher	

So Mr. WEICKER's amendment (UP No. 623) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, having conferred with the managers of the bill, I am informed that there is a series of noncontroversial amendments which will be attended to here in the remainder of the afternoon.

On behalf of the leadership, I urge all Senators who have such amendments to come to the floor and offer them.

Under the circumstances, there will be no further rollcall votes this afternoon.

The PRESIDING OFFICER. The question recurs on the fourth committeee amendment, as amended.

Mr. WEICKER. Mr. President, as I understand it, we are on the fourth committee amendment. Is that correct?

The PRESIDING OFFICER. That is correct; as amended.

Mr. WEICKER. Mr. President, I know there are several amendments scheduled to be offered. I agreed for Senator WALLOP to proceed and then Senator HUDDLESTON, who has been waiting a long time. I wonder if we might proceed with Senator WALLOP and then go to Senator HUDDLESTON. They will require about 2 minutes.

By agreement with the ranking minority member, I ask unanimous consent that the pending committee amendment be temporarily laid aside.

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

UP AMENDMENT NO. 624

(Purpose: To prevent conversion of the Cheyenne, Wyoming, Weather Service Forecasting Office to a weather service office)

Mr. WALLOP. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. WALLOP) proposes an unprinted amendment numbered 624.

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

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

The amendment is as follows:

On page 6, line 12, strike the following: "$835,390,000" and insert in lieu thereof "$835,482,000."

On page 6, line 13, after the comma insert the following: "of which $92,000 shall be available to prevent the conversion of the Cheyenne Weather Service Forecasting Office located at Cheyenne, Wyoming, to a weather service office."

Mr. WALLOP. Mr. President, in essence, this adds $92,000 to maintain one full-time weather forecasting office in the State of Wyoming and prevents it from being reverted to a weather service office from its present status as a weather forecasting office.

I have discussed this amendment with the managers of the bill. It is my understanding that it is agreeable to the managers of the bill.

Mr. WEICKER. Mr. President, the amendment of the distinguished Senator from Wyoming is acceptable to the managers of the bill.

Again, on these matters it seems to me that the best judgments are made by those Senators representing the constituencies. I am more than glad to accept the amendment.

Mr. INOUYE. The amendment is acceptable to this side.

Mr. WALLOP. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The Chair must report that the amendment touches a section of the bill which has been amended previously. It would take unanimous consent for the amendment to be in order.

Mr. WALLOP. Mr. President, I ask unanimous consent that the amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is in order.

Mr. WALLOP. Mr. President, the amendment having been stated and no objection having been raised, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (UP No. 624) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

FOURTH EXCEPTED COMMITTEE AMENDMENT—PAGE 26, LINE 3

Mr. WEICKER. Mr. President, before yielding to the distinguished Senator from Kentucky, I ask that committee amendment No. 4, as amended, be agreed to.

In explanation to my colleagues, that is the amendment which we just discussed concerning the INS.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The fourth excepted committee amendment, as amended, was agreed to.

UP AMENDMENT NO. 625

(Purpose: To express the sense of the Senate that the Secretary of State and the Attorney General each should provide, upon request, certain written information to members of the Committee on Appropriations of the Senate)

Mr. HUDDLESTON. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) proposes an unprinted amendment numbered 625.

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

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

The amendment is as follows:

On page 55, between lines 12 and 13, insert the following:

SEC. 509. It is the sense of the Senate that the Secretary of State and the Attorney General each should provide any member of Congress, upon request with any letter, memorandum, cablegram, telegram, or other written information in possession of the department of which he is the head, under appropriate restrictions to protect the confidentiality of such information, if such written information relates—

(1) to consideration by any department, agency, officer, or employee of the United States of whether an alien emigrating from another country is properly classified as a

refugee under the immigration laws of the United States; or

(2) to the role played by the United States refugee resettlement program in encouraging emigration.

Mr. WEICKER. Mr. President, I ask unanimous consent that the committee amendment now pending, by agreement with the ranking minority member, be temporarily laid aside.

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

The amendment of the Senator from Kentucky is now in order.

Mr. HUDDLESTON. Mr. President, this amendment simply expresses the sense of the Senate that officials in the Department of State and the Department of Justice should supply Members of the Congress with all available information relating to the classification of refugees from Laos, Cambodia, and Vietnam so that the Appropriations Committee may make an appropriate determination as to the cost associated with the refugee program. It has been cleared by both sides of the aisle and I move its adoption.

The PRESIDING OFFICER. Is there further debate? The Senator from Connecticut.

Mr. WEICKER. Mr. President, speaking for the majority and the minority, we are fully in the corner of the distinguished Senator from Kentucky on this issue. The only thing that I regret is that he has to come to the Senate floor to get the information he seeks. They should have given it to him in the first place.

I support the amendment, Mr. President.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (UP No. 625) was agreed to.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT 626

(Purpose: To prevent Federal judges from receiving again a pay raise notwithstanding the contrary intent of Congress)

Mr. DOLE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) for himself and Mrs. HAWKINS, proposes an unprinted amendment numbered 626.

Mr. DOLE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

On page 52, insert between lines 14 and 15, the following:

"Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be obligated or expended to increase, after the date of enactment of this Title, any salary of any Federal judge or Justice of the Supreme Court, except as may be specifically authorized by Act of Congress hereafter enacted; provided, further, that nothing in this limitation shall be construed to reduce any salary which may be in effect at the time of enactment of this Title nor shall this limitation be construed in any manner to reduce the salary of any Federal judge or of any Judge of the Supreme Court".

Mr. WEICKER. If the distinguished Senator from Kansas will yield, I ask unanimous consent that the pending committee amendment be temporarily laid aside. This request has been agreed to by the minority member.

The PRESIDING OFFICER. The Senator has that right. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I offer this amendment in behalf of myself and the distinguished Senator from Florida (Mrs. HAWKINS). It is an amendment which would put an end to automatic, backdoor pay raises for Federal judges.

The amendment addresses a major problem with existing legislation, a virtually automatic annual salary increase built into the present statutory system. Under the Executive Salary Cost-of-Living Adjustment Act of 1975 and the Pay Comparability Act of 1970, each year the President passes on to Congress recommendations made by the Department of Labor for increasing judicial salaries.

Should Congress manage not to vote down these increases before midnight on September 30 of a given year, they automatically take effect for the next fiscal year. This year Congress missed the deadline by only 27 minutes and, in an effort to give effect to its intent to cap judicial salaries, even went so far as to stop the clock before midnight. Despite this last minute rush of activity and even though salary increases for other Federal employees were capped, the country has still been saddled with judicial salary increases that Congress did not intend to authorize.

The reason is the Supreme Court's holding last winter in the case of *United States* v. *Will*, 449 U.S. 200. There, the Court ruled that article III of the Constitution prohibits alteration of the salaries of Federal judges on or after October 1 because the new rates vest on that date. At present, a failure by Congress to move quickly enough, even though a delay of only a few minutes, can have harmful consequences for congressional budget plans.

My amendment would remedy this situation by prohibiting judicial pay increases unless they were specifically authorized by Congress. I urge my colleagues to support this amendment.

Mr. President, let me make it clear that I am not one of those who oppose pay increases for Federal judges or Members of Congress, but it seems to me—I note the distinguished Senator from Alaska, who has been the leader in this effort, is here—we have to bring some semblance of reason to the entire system. This would be a step in the right direction.

I know of no objection to the amendment.

Mr. INOUYE. Mr. President, the managers of the bill approve this amendment.

The PRESIDING OFFICER. Is there further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (UP No. 626) was agreed to.

Mr. DOLE. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT 627

(Purpose: To end chemical and biological warfare)

Mr. PRESSLER. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an unprinted amendment numbered 627.

On page 55, between lines 12 and 13, add the following:

SEC. 509. It is the Sense of the Senate that funds provided for in this Act shall be expended to further intelligence activity to collect information regarding the use of chemical and biological weapons, including the use of Yellow Rain, against the peoples of Southeastern and Southwestern Asia and to implement prompt negotiations with other nations to bring about an end to their use.

The PRESIDING OFFICER. Before the Senate proceeds to debate the amendment, the Chair asks the manager of the bill——

Mr. INOUYE. Mr. President, I ask unanimous consent that the committee amendments be temporarily set aside.

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

Mr. PRESSLER. Mr. President, I propose this amendment for the purpose of drawing attention to the use of chemical and biological warfare in Southeast Asia and Southwest Asia. It provides that the State Department intensify its intelligence collection efforts in the area and also undertake appropriate negotiations to inquire into and bring about a cessation of these terrifying kinds of warfare, warfare that is being waged in many cases against defenseless men, women, and children.

Mr. President, this week I chaired hearings before the Committee on Foreign Relations on "yellow rain," the use of a new type of chemical which has apparently been designed by the Russians, and is reported to be currently in use against tribesmen in Afghanistan, Laos, Cambodia—or Kampuchea as it is now called.

There was substantial evidence presented at these hearings. The Department of State concluded that, after 5 years of research, it is certain that a chemical form of weapon has been sprayed upon villagers from low- and slow-flying aircraft and that this is the first use on a large scale of chemical warfare in the world since World War I.

Allegations that the Soviets are using or supplying new and terrible poisons or toxins for the purpose of exterminating their enemies are thoroughly frightening. They are frightening because the

evidence indicates that a new weapon has joined an already terrifying arsenal of world weaponry, and one that unscrupulous nations and even terrorist groups may acquire without great effort.

It is also frightening in a general sense that vicious fighting of any kind continues against the Laotians, Cambodians, and Afghans, who are justly struggling against the yoke of foreign and domestic oppressors.

These reports of chemical and biological warfare have tremendous implications for arms control. The allegation that mycotoxins, generally described as "yellow rain," are being used against the peoples of Laos, Cambodia, and Afghanistan, if it can be proved, would represent a clear breach of the Geneva Protocol of 1925, the Biological Weapons Convention of 1972, and customary international law.

It would call into question the advisability of signing any arms control treaty that did not have strict verification provisions. In a broader sense, it would open the troublesome question of international enforcement provisions against nations that violate international law. Let no one accuse us of being silent in the face of a new kind of holocaust.

Mr. President, I think it is very important to note the significance of the U.S. Government announcement that it had concluded that "yellow rain" has been used. I was happy to see, there have been editorials in the Washington Post and in the Wall Street Journal, articles in the New York Times, the Washington Post, and across our Nation, reporting this fact.

Mr. President, I ask unanimous consent that several of these newspaper reports be printed in the RECORD at this point.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 11, 1981]

RAIN OF TERROR

Two months ago, Secretary of State Alexander Haig made headlines with the charge that while the United States is often judged by a "super-critical standard," the Soviet Union was conducting chemical and biological warfare in Southeast Asia without public knowledge or complaint. The charge dealt specifically with the use of deadly trichothecene toxins produced by a type of fungus.

The evidence at that time was fairly flimsy. The mycotoxins had been found in only a single sample of leaf and stem. Crucial "negative controls," showing that the substances were not present in areas that had not been attacked, were unaccountably missing. Statements that this fungus is not naturally found in Southeast Asia were premature and, as it turns out, incorrect.

Now, however, the missing evidence has been supplied. The government announced yesterday that a combination of four mycotoxins, all from different strains of the fungus, has been found in samples taken from both Laos and Kampuchea. The samples include water and scrapings from rocks, in addition to vegetation. The negative controls confirm the accuracy of the chemical tests. The mixture of four different toxins provides additional confirmation that the findings are not the result of even the most bizarre natural outbreak. As Assistant Secretary of State Richard Burt told the Senate Foreign Relations Committee, "The significance of this discovery . . . can be simply stated. We had solved the mystery. We had fitted together the jigsaw puzzle which had bedeviled us for five years."

The evidence that a biological weapon is being used now, therefore, seems solid. There is no comparably firm evidence tying responsibility for its use to the Soviet Union. But there is very strong suggestive evidence. Though the toxins have reportedly been sprayed by local forces, Soviet chemical warfare experts are known to be in the area. Facilities capable of mass-producing the fungus and extracting the toxin are known to exist in the Soviet Union, some, according to Mr. Burt "under military control and with heavy military guard." No such facilities are known to exist in Southeast Asia.

It seems reasonable to conclude that the Soviet Union is directing a vicious campaign of chemical and biological warfare in one of the most remote areas of the world against people unable to protect themselves or understand what is happening to them. This warfare, moreover, is in direct violation of international agreements signed by the Soviet Union. The government's information merits the most serious possible international inquiry to prove or disprove the charges and to hold the Soviet Union accountable for a flagrant violation of an arms control agreement.

As the administration correctly emphasizes, this must not be allowed to be seen as a U.S.-Soviet confrontation. The United Nations committee of inquiry is therefore the correct body to bring the investigation to a prompt conclusion. The United States' job is to make it plain that this Soviet warfare is an attack on the integrity of all nations and international agreements, as well as on, in Franklin Roosevelt's words, "the general opinion of civilized mankind."

[From the Washington Post, Nov. 11, 1981]

NEW DATA FOUND ON TOXIC "RAIN"—U.S. SAYS SAMPLES LINK SOVIETS TO USE OF POISON WEAPON

(By Philip J. Hilts)

State Department officials have produced new physical evidence, which they describe as a "smoking gun," to support their claims that biological warfare campaigns linked to the Soviet Union are being waged in Southeast Asia with the deadly new weapon called "yellow rain."

Four weeks ago, an announcement by Secretary of State Alexander M. Haig, Jr. that the State Department had its first "physical evidence" to substantiate charges of biological warfare in Southeast Asia was met with skepticism, primarily because of the nature of that evidence—a single broken leaf and a few stray green bits from another leaf.

"We now have the smoking gun," Richard Burt, the State Department's director of politico-military affairs, told the arms control subcommittee of the Senate Foreign Relations Committee yesterday.

"We now have four separate pieces of physical evidence. We may soon have more, as, I regret to say, chemical attacks have been reported in Laos and Kampuchea [Cambodia] within the last month," Burt said.

Even the most persistent critic of the early evidence indicated that the new material might change his opinion. Dr. Matthew Meselson, a biochemist from Harvard University, testified that he "would recommend caution on the question of whether tricothecene toxins have been used in Southeast Asia . . . although the preliminary evidence indicates that they have."

Four different poisons caused tricothecene toxins and made from a fungus, are the agents that Burt said are "weapons outlawed by mankind, weapons successfully banned from the battlefields of the industrialized world for over five decades" and which now are used, "against unsophisticated and defenseless people, in campaigns of mounting extermination which are being conducted in Laos and Kampuchea. . . ."

Burt said that the new biological weapons are indirectly linked to the Soviets in several ways:

Planes identified as Soviet AN2 crop-dusting type airplanes have been dropping the "yellow rain," particularly on the Hmong hill people of Laos.

The Soviets have many scientific papers on the subject of tricothecene toxins, including papers on the mass production of these poisons.

The Soviets have the facilities to grow the fungus that produces the poison, and the equipment to extract and purify it. "There exist, in so far as we are aware, no facilities in Southeast Asia capable of producing the mold and extracting the . . . toxins in the quantities in which they are being used," Burt said.

"There is clearly a link with the Soviet Union," he said. "We at a minimum believe the Soviets . . . could stop its use if they desire."

Some of the new evidence, water from a stagnant pond in a Cambodian village, was collected some months ago, at the same time and place as the first leaf and stem sample. The water sample contained 66 parts per million of a tricothecene, deoxynivalenol, several times the lethal amount.

Two other samples of "yellow powder," or tricothecene toxins, were taken from rocks after two gas attacks in Laos. One had 150 parts per million of T2, dozens of times more than the amounts in natural outbreaks of the fungus poisoning and more than 20 times the amount needed to kill humans.

Since the fungus is known to grow in the soil, attacking the roots of plants, Dr. Chester Mirocha of the University of Minnesota testified that he did not believe the tricothecenes would be found naturally in leaf, water, or rock samples. Mirocha's laboratory identified the toxins in the samples gathered from Southeast Asia.

He added that a Laotian pilot, a defector, who flew on some of the gas attacks, and captured soldiers have bolstered the accounts of refugees. Burt also noted one detail he considered especially convincing—that when the water sample was being brought back, a man spilled some of it on his clothes and quickly came down with symptoms of tricothecene poisoning.

[From the New York Times, Nov. 11, 1981]

U.S. FINDS CHEMICAL WARFARE TOXINS IN INDOCHINA

(By David Shribman)

WASHINGTON, Nov. 10.—The State Department said today that it had evidence, in the form of new samples of rocks, leaves and water from Southeast Asia, that chemical warfare agents had been used in Cambodia and Laos.

Richard Burt, director of the department's Bureau of Politico-Military Affairs, said an analysis of the samples confirmed the existence of toxic chemicals. He said they were being used against people resisting Vietnamese control of Laos and Cambodia. He said that even if the agents were being used "by indigenous forces," the Soviet Union was advising the forces and "controlling chemical warfare in Southeast Asia."

"We now have the smoking gun," he said, referring in testimony before a Senate arms control subcommittee to evidence of chemical warfare. "We now have four separate pieces of physical evidence."

Mr. Burt also testified that the United States had "concluded that chemical weapons are being used in Afghanistan, but we have no evidence."

HAIG REPORTED ON TOXIC CHEMICALS

The chemical attacks are often known as "yellow rain" because of the color of the chemical particles landing on roof-tops and vegetation. American officials have received reports of chemical warfare in Southeast Asia for more than a dozen years but until recently have had no physical evidence.

Secretary of State Alexander M. Haig, Jr. said in a speech on Sept. 12 in West Berlin that the United States had physical evidence that poisonous chemicals were being used in Southeast Asia. A day later, the State Department presented an analysis of one leaf sample taken in March in Cambodia, or Kampuchea as it is also known, near the Thai border.

One of the new samples mentioned by Mr. Burt today was said to be water taken from the same village. He said the others were from sites of separate attacks in Laos.

Mr. Burt said the samples revealed "very high quantities" of chemicals known as trichothecene mycotoxins. Exposure to the chemicals causes vomiting, itching, dizziness and death.

LOCATION OF PRODUCTION PLANTS

"Over the past five years, and perhaps longer, weapons outlawed by mankind, weapons successfully banned from the battlefields of the industrialized world for over five decades, have been used against unsophisticated and defenseless people in campaigns of mounting extermination which are being conducted in Laos, Kampuchea and more recently in Afghanistan," he said.

Mr. Burt testified that tests of other soil and vegetation samples from the same areas of Southeast Asia indicated that they were free of the toxic chemicals. He said this was evidence that they did not occur naturally there.

Mr. Burt said the State Department had been unable to find any facilities in Southeast Asia capable of producing the mold and extracting the mycotoxins in the quantities the United States believed they were being used. Such facilities do exist in the Soviet Union, he said, adding that they were "under military control and with heavy military guard."

He said that Soviet chemical experts had inspected several places in Southeast Asia where lethal and nonlethal chemicals were stockpiled.

Until the samples were obtained, charges that the Soviet Union or its client forces in Southeast Asia were using chemical weapons were based on reports of refugees, journalists and other observers. The first victims were believed to be highland tribal people such as the Meos, who have long resisted Communist forces in Laos.

The chemical attacks, according to accounts provided to the State Department, were conducted by low-flying aircraft, including a biplane that is used as a crop duster in the Soviet Union.

The Geneva Protocol of 1925 outlaws the use of chemical weapons in warfare and the Biological Weapons Convention of 1972 forbids the production, stockpiling or transfer of toxic weapons. The agreements, signed by the Soviet Union and Vietnam, do not, however, provide for verification.

Mr. PRESSLER. Mr. President, I shall continue to raise questions concerning "yellow rain." I shall continue to look into the allegations of this chemical and biological warfare. As I have noted, both the Soviet Union and the United States are signatories to agreements not to engage in or to produce this type of material. We are faced with the question whether we should enter into arms control negotiations with the Soviets at a time when they are not allowing international inspection regarding the allegations that mycotoxins are being used.

I say our Government must insist, through its representative at the U.N. and elsewhere, that there be verification, that international inspectors be able to examine some of the areas and some of the damage that has been caused. So far, those requests have been refused.

This amendment is a further step in highlighting the campaign to bring this to the public's attention.

Mr. President, I have been astounded at how little public attention and how little media attention there has been to what is happening in Kampuchea and the holocaust that is occurring. We talk much about the awful holocaust of World War II. But now there is evidence that in the past 5 years, a new holocaust exists in which great number of innocent people are being killed and maimed. This holocaust has been occurring, however, with very little comment from the Western World.

It should also be noted that this terrible new weapon could be used in Western Europe or in the United States at some future time. Therefore, we must wake up to what is happening regarding yellow rain.

Mr. President, I have spoken to both the minority and majority regarding this amendment. I commend them and their staffs. I believe I have general agreement on this amendment.

Mr. INOUYE. Mr. President, the managers of this bill have considered the amendment, and we are pleased to concur in it.

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

The amendment (UP No. 627) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TENTH EXCEPTED COMMITTEE AMENDMENT—PAGE 53, LINES 11 THROUGH 15

Mr. WEICKER. Mr. President, with the agreement of the ranking minority member, I ask unanimous consent that the pending business be the committee amendment on page 53, committee amendment No. 10.

The PRESIDING OFFICER. The Senator has that authority. The amendment is the pending amendment.

Mr. WEICKER. I move that the committee amendment No. 10 be tabled and the succeeding sections be renumbered accordingly.

The PRESIDING OFFICER. The question then is on agreeing to the motion to lay on the table the 10th committee amendment.

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the U.S. Department of Justice dated October 27, 1981, addressed to the Honorable MARK HATFIELD, chairman of the Committee on Appropriation of the U.S. Senate.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., October 27, 1981.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to take this opportunity to present the views of the Department of Justice regarding § 505 of H.R. 4169, the House of Representatives' version of the bill making appropriations for fiscal year 1982 for the Departments of Commerce, Justice, State and related agencies and for the Judiciary. We strongly oppose this provision because it raises serious constitutional questions, which I will elaborate upon below.

Section 505 reads as follows:

"None of the funds appropriated or otherwise made available by this Act shall be available 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."

This provision starts with the premise that certain funds may be "appropriated or otherwise made available by this Act" for the enforcement of regulations by the named agencies. Absent application of section 505, it thus may be assumed that it would be perfectly legal for one of the named agencies to spend money appropriated by H.R. 4169 to enforce a given regulation. However, if the regulation subsequently were disapproved "pursuant to a resolution of disapproval adopted in accordance with the applicable law of the United States," under section 505 it would no longer be legal for the agency to expend money to enforce the regulation. Accordingly, under the terms of section 505, such a resolution disapproving a regulation would have the effect of amending H.R. 4169 to limit the expenditure of funds appropriated by that bill in a manner not set forth in H.R. 4169 itself.[1]

The constitutionality of the application of section 505 will turn on the question whether a "resolution of disapproval duly adopted in accordance with the applicable law of the

[1] Section 505 reaches any regulation of an agency covered by H.R. 4169 "which has been disapproved" by a resolution of disapproval. It might be read to apply only to any regulation which, *at the time of the passage* of H.R. 4169, *"has been* disapproved" in such manner (emphasis added). If that were the limit of § 505, we might react differently with respect to the constitutional issues because, as construed, it might not be viewed as an unconstitutional attempt to authorize legislative action by a procedure inconsistent with Art I. § 7 Cls. 2 & 3 and in a manner inconsistent with the separation of powers. The reason for this result is that any regulation which "has been disapproved" at the time of the passage of H.R. 4169 would be readily identifiable, and the words used in § 505 to identify such regulations could be viewed as simply an indirect way of naming the regulations. Limiting the reach of § 505 in that manner would alter the constitutional issue arising when the provision is read, as would be consistent with its language, to authorize a future resolution that would have independently binding effect. It is this latter interpretation that raises the constitutional difficulties which are the subject of this letter.

United States" is a joint resolution, passed by both Houses of Congress and presented to the President for his approval or veto, or a resolution adopted by a means short of the plenary legislative process. In view of its generality, the provision's language apparently would comprehend either process.[2] To the extent that a resolution is adopted for purposes of section 505 by any means short of the plenary legislative process, the application of section 505 would be unconstitutional, for it would seek to authorize legislative action by a procedure contrary to that explicitly stated in the Constitution. See Art. I, section 7, Cls. 2 and 3. First, it is clear that a disapproval resolution which is to have a binding effect on the Executive Branch in its execution of the law by means of regulation is an exercise of Congress' legislative power. Given that that is the case, such action must follow the plenary legislative process, which calls for passage of a resolution by both Houses of Congress and presentation of the item to the President for his approval or veto. See Art. I, section 7, Cls. 2 and 3. Furthermore, if a resolution for purposes of section 505 were to be characterized not as legislative action governed by the procedures of Art. I, section 7, Cls. 2 and 3, but rather as executive action, such action would be unconstitutional as an attempted usurpation by the Legislative Branch of the core functions of the Executive Branch, which include making decisions regarding the execution of the law by regulation. See *Buckley* v. *Valeo*, 424 U.S. 1 (1976). Therefore, unless section 505 is to be confined in its exercise to joint resolutions, section 505 is fundamentally inconsistent with central Constitutional principles controlling the exercise of legislative power and the relation between that power and the authority conferred on the Executive.

It would be no response to suggest that appropriations measures are in some ways distinguishable from other bills and thus should not be treated like other bills for purposes of constitutional analysis. First, what is of concern here is not any language of the appropriations bill itself that would have immediately binding effect on the Executive Branch. Such language, if H.R. 4169 were enacted, would be adopted constitutionally pursuant to the plenary legislative process. What is of chief concern to us is the bill's contemplation of a future resolution that would, pursuant to section 505, purport to have binding legislative effect on the Executive Branch. In addition, and critically, appropriations bills are not to be viewed in a light different from that focused on other legislative measures by the procedural requirements applicable to exercises of legislative power and the principle of the separation of powers. As Attorney General William D. Mitchell wrote in 1933:

"Congress holds the purse strings, and it may grant or withhold appropriations as it chooses, and when making an appropriation, may direct the purposes to which the appropriation shall be devoted and impose conditions in respect to its use, provided always that the conditions do not require operation of the Government in a way forbidden by the Constitution. *Congress may not, by conditions attached to appropriations, provide for a discharge of the functions of Government in a manner not authorized by the Constitution.* If such a practice were permissible, Congress could subvert the Constitution. It might make appropriations on condition that the executive department abrogate its functions. (emphasis added) [3]

See also *United States* v. *Lovett*, 328 U.S. 303 (1946) (establishing the principle that exercises of Congress' spending power must be scrutinized in terms of other applicable constitutional requirements); *Buckley* v. *Valeo*, *supra*, 424 U.S. at 132 (stating that Congress may not exercise its powers "in such a manner as to offend . . . constitutional restrictions stemming from the separation of powers").

Accordingly, to the extent that section 505 would provide that no agency receiving appropriations under H.R. 4169 may expend appropriated funds to enforce a regulation disapproved by a resolution adopted by means short of the plenary legislative process, we believe that that section is unconstitutional.

For your information, I am enclosing with this letter two statements by Assistant Attorney General Olson of the Department's Office of Legal Counsel that discuss thoroughly the constitutional problems with provisions calling for legislative action short of passage by two Houses of Congress and presentation to the President. The first statement was presented on April 23, 1981, to the Subcommittee on Agency Administration of the Senate Judiciary Committee; the second was presented on October 7, 1981, to the Subcommittee on Rules of the House of the House Rules Committee.

The Office of Management and Budget has advised that it has no objection to the submission of this report in view of the President's program.

Sincerely,

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SIXTH EXCEPTED COMMITTEE AMENDMENT—PAGE 31, LINES 22 THROUGH 24

Mr. WEICKER. Mr. President, I ask the Chair as to what is the pending business at this time?

The PRESIDING OFFICER. The pending business is excepted committee amendment No. 6 on page 31, lines 22 through 24.

The excepted committee amendment is as follows:

On page 31, strike line 22, through and including line 24;

Mr. STEVENS. Mr. President, I perceive that this is the last amendment that we could bring up, and it will be the pending amendment on Monday when we resume consideration of the bill.

FEDERAL SHIP FINANCING FUND PROVISION

Mr. GORTON. Mr. President, several Members have expressed concern over a provision in H.R. 4169 dealing with the Federal Ship Financing Fund. Page 13, lines 10 through 22 of the bill would, for the first time, place an annual limit on the amount of ship construction loans which the Maritime Administration may guarantee under title XI of the Merchant Marine Act of 1936.

There are several reasons why Senators PACKWOOD, STEVENS, INOUYE, and I are critical of this unprecedented provision.

First, the authorizing statute creating the title XI program does not give the Appropriations Committee authority to set annual limits on loan commitments. Recognizing this, OMB sought an amendment to the authorizing statute to allow appropriations bills to set annual limits. The Commerce Committee, which is the authorizing committee for the title XI program, rejected any sum amendment.

It is clear, therefore, that the provision in question is simply beyond the authority of the Appropriations Committees. In the House of Representatives, the Appropriations Committee expressly noted their lack of authority in this respect. It is useful to quote the report of that committee:

The Committee has disapproved the request for appropriation language which would limit total commitments to guarantee loans from the Federal Ship Financing Fund during fiscal year 1982 to not more than $1,050,000,000 of contingent liability for loan principal.

As stated in the section of the report concerning Federal Ship Financing Fund, Fishing Vessels, title XI of the Merchant Marine Act of 1936 authorizes a limitation of $12,000,000,000 for this account as well as the NOAA account, on obligations guaranteed and outstanding at any one time from the Fund. Therefore, the proposed limitation on total commitments to guarantee loans during fiscal year 1982 would contravene this provision of the Act. With respect to the request for an aggregate limitation on the amount of direct loans for fiscal year 1982 that could be made from the Fund, the Committee notes that title XI provides for no such limitation on the direct loan program. Therefore, the proposed limitation on direct loans from this revolving fund, for which no appropriation is provided in the accompanying bill, would contravene the authorizing legislation and would also not be in order under the rules of the House of Representatives.

There is a second reason why such a provision is not justified, particularly at this time. H.R. 4169 limits loan commitments for fiscal year 1982 by more than $550 million below the amount actually available. Currently, $1.6 billion in loan guarantee authority remains available under this title XI program. This appropriations bill limits the total loans which may be guaranteed in 1982 to $1.05 million. As budgetary reductions increasingly strain the industry, any reduction in this program deserves far more consideration than is being given here. The Omnibus Budget Reconciliation Act passed this summer anticipates a reduc-

[2] The phrase "resolution of disapproval duly adopted in accordance with the applicable law of the United States" is plainly broad enough to include a joint resolution, which is a constitutionally appropriate means for the exercise of legislative power since it involves adherance to the plenary legislative process and thus is consistent with the highest law of the land. See Art. I, section 7, Cls. 2 and 3; Enactment of a Law, S. Doc. No. 15, 96th Cong., 1st Sess. 2 (1979). On the other hand, the quoted phrase also could comprehend a resolution adopted by less than the plenary legislative process, such as a simple resolution passed by one House of Congress or a concurrent esolution adopted by both Houses of Congress, when such a resolution is purportedly authorized by statute.

[3] 37 Op. A.G. 56, 61 (1933). The Attorney General concluded that Congress could not constitutionally condition an appropriation for refunds of erroneously collected taxes on a requirement that a joint Congressional committee decide the amount of each refund to be granted.

tion in construction differential subsidy funding. In view of the "shrinking pie" of Federal ship construction subsidies, the amount of title XI loan commitments available for the fishing industry and ocean thermal energy projects have been under attack. The Budget Reconciliation Act did reduce the total authorized title XI loan commitments for fishing and ocean energy program. A new limitation on title XI authority for the merchant marine would only produce renewed pressures on these other programs.

Finally, this self-sustaining program has been one of the most successful under the Merchant Marine Act of 1936. Its total costs, including salaries of the MarAd staff employed in the merchant ship financing program, are underwritten by fees which are paid by users. The insurance premiums and guarantee fees go into the Federal ship financing fund, a revolving fund which may be used for payment of any defaults.

Since the inception of the title XI program, only 11 companies have defaulted.

During fiscal year 1980, the Federal ship financing fund had a net income of $42,219,628.

Mr. WEICKER. Mr. President, I find the points made by Senator GORTON to be useful and persuasive. I know that the House is quite adamant on deleting this title XI limitation in conference. It is important that the total figures for obligations in programs such as title XI be brought on-budget. If the offending provision were to be rewritten to reflect the authorized amount, it would read as follows: "During 1982, total commitments to guarantee loans shall not exceed $1,600,000,000 of contingent liability for loan principal." Would this satisfy the concerns of the authorizing committee as well as the individual Senators for whom you have been speaking?

Mr. GORTON. That would be acceptable.

Mr. WEICKER. In that case, I would support such a change in conference.

THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA)

Mr. STEVENS. Mr. President, section 393 of the Communications Act of 1934 authorizes appropriations for the public telecommunications facilities program (PTFP). This program was established to assist public telecommunications entities in the acquisition of facilities to serve the American public with noncommercial, educational, and instructional programs. Section 393 establishes the priorities for the expenditure of funds appropriated for support of the program. Specifically, section 393 provides that 75 percent of the funds available must be expended to extend delivery of public telecommunications services to areas not receiving such services.

This provision is clear and unambiguous—in approving applications for funds under this program, applications from entities seeking to serve those areas not currently receiving public telecommunications services, are to be given priority. For example, we know that almost 35 percent of the population receives absolutely no public radio service. Many States have large areas that are not served by public radio or public television.

Section 393 further provides that the remaining 25 percent of the funds available for the facilities program can be used for three other purposes in the following order: First, for the expansion of existing service areas; second, for the development of facilities owned by minorities and women; and, third, for the improvement of existing facilities. Priority is to be given those applicants seeking to serve those areas not currently served by public telecommunications. The other purposes were clearly secondary.

Much to my surprise, Mr. President, I have read the report of the Appropriations Committee on H.R. 4169 (Rept. No. 97–265), and it appears to rewrite section 393's "extension-of-service" concept to include the upgrading of facilities.

The Appropriations Committee was concerned that, even though communities are receiving public telecommunications services, there is a question as to the adequacy of this coverage. My concern is that the report of the Appropriations Committee on H.R. 4169 should not be construed to reorder the priorities enacted into law. Am I corrrect in my assumption, Mr. Chairman, that the Appropriations Committee report does not reorder section 393's priorities for the public telecommunications facilities program?

Mr. WEICKER. The Senator from Alaska is correct. The Appropriations Committee report, as it relates to the PTFP, is not intended to reorder the section 393 priorities. The report merely expresses the concern of the committee that the National Telecommunications and Information Administration, in the administration of this program, will not overlook the upgrading of existing facilities to improve services to communities already covered.

Mr. STEVENS. The Appropriations Committee report also requires NTIA to use 16 employees to implement the PTFP. However, Bernard Wunder, Assistant Secretary for Telecommunications and Information, has indicated that this program can be adequately administered by fewer employees. Secretary Wunder is responsible for the program's administration. He is well aware of congressional intent in creating this program and has stated that the act can be administered by fewer employees. We must and will hold NTIA accountable for the performance of its duties under this program to insure that the job gets done. But it seems that at a time of budgetary restraint, we cannot impose unnecessary employee levels on Federal agencies.

Would the Senator consider requiring NTIA to use no less than 12 employees as opposed to 16?

Mr. WEICKER. That is fine. The committee's only concern is that NTIA not be deprived of the requisite number of employees to process applications and award grants under the program. If the Assistant Secretary determines that the job can be done by no less than 12, then that is fine. I just want to insure that we get these grants out in a timely fashion. As you know, no fiscal year 1981 grants were obligated prior to the end of fiscal year 1981, even though $19.7 million was appropriated for this program in that year.

ON EDUCATIONAL AND CULTURAL AFFAIRS, INTERNATIONAL COMMUNICATION AGENCY

Mr. COCHRAN. Mr. President, I should like to congratulate the subcommittee chairman, Mr. WEICKER, for the funding level contained in this bill for the academic exchange programs under the International Communication Agency. These programs make vital contributions both to understanding across international borders and to the international trade of U.S. products. These programs provide a vehicle for the development of deep and long-lasting ties between our country and other participating countries using the best ingredients available—the minds of our youth. Our student exchange programs will bear fruit as these students take leadership roles in the areas of government, business, and education. There are so many tangible benefits that flow to all nations, but particularly the United States, from these important programs.

I believe that this body should make clear that we want ICA to maintain a priority for educational and cultural affairs at least as high as that reflected in the Senate Appropriations Committee report. The report includes nonprofit private sector programs which take fullest possible advantage of the multiplier effect they generate through volunteer energies and private financial support. all made possible by citizen exchange organizations.

The committee report also addresses itself to the strengths of the academic exchange programs administered by ICA, such as the Fulbright and Humphrey fellowships.

In closing, Mr. President, I would simply like to reiterate the views expressed in the committee report by stressing that our Nation has much to offer, and to gain, and to share educationally, culturally, and socially from these programs. We should strive to expand programs such as these which strengthen mutual understanding between our people and others.

Mr. HOLLINGS. Mr. President, the Appropriations Committee's report indicates that the committee expects the FCC to devote adequate resources to the work of the Temporary Commission on Alternative Financing for Public Telecommunications, which was just established by the Congress in August. What level of support is estimated?

Mr. WEICKER. Although the Temporary Commission was authorized well after the Congress received the FCC's budget requests and the President's revised proposals, Public Law 97–35 calls on the FCC to house and support its work:

> Upon request of the (Temporary) Commission, the FCC shall furnish the (Temporary) Commission with such personnel and support services as may be necessary to assist the (Temporary) Commission in carrying out its duties and functions . . .

It was clear in the legislative hearing which bore on this Temporary Commission that the Congress expects the FCC

to be the conduit for financing the work of this short-term effort. I understand that the Temporary Commission has a budget which requires $400,000, to be matched by a like value in-kind support to be contributed by the FCC and other public and private members of the Commission. It is our intent that $400,000 should be made available as necessary by the FCC for the research, survey, and analytic work of the Temporary Commission.

Mr. HOLLINGS. I thank the Senator for that information, I am concerned that without this support the work of the Temporary Commission could not be accomplished as we have asked in the law establishing it. This Commission was established as a unified effort to look for additional funding for public television and radio, even as we in Congress had to reduce the Federal financial commitment. But we asked that there be a tremendous amount of work done and reports filed in very short order, and without this kind of support, as the committee has recommended, that important work could not be accomplished, and we would end up not serving the long-term services of public telecommunications which we seek to preserve.

Mr. WEICKER. I agree with the Senator, and I thank him for his remarks and interest. This Temporary Commission is the focus of Federal analysis of the needs of public broadcasting, and its results will be guiding us in the next session and the next Congress. This appropriation via the FCC will insure that we have that information when we need it.

UP AMENDMENT NO. 609—RELATING TO MISSING CHILDREN

● Mr. MATTINGLY. Mr. President, I am pleased that the Senate has acted yesterday to accept S. 1701, a bill which I cosponsored along with Senator HAWKINS and a number of my colleagues, as an amendment to the Commerce, Justice, and State, the judiciary and related agencies appropriations bill, 1982. As Senator HAWKINS pointed out when she presented the amendment, the problem of missing persons, particularly missing children, is one of the most grievous our Nation faces.

I am acutely aware of the pressure and anxiety that families and entire communities face as a result of months and even years of uncertainty concerning their loved ones. The story of missing and murdered black youths in the city of Atlanta is one with which citizens throughout this Nation are familiar. But highly publicized cases such as this represent only a fraction of those that actually occur each year. In fact, approximately 150,000 children are reported missing annually.

I am grateful, as are all the citizens of Atlanta, that the people of this Nation united to aid in the search for the missing children in my own State. Citizens from many States gave hours of time on weekends to form search parties which combed the landscape in Atlanta. The President made available monies through the Justice Department's Office of Juvenile Justice and Delinquency Prevention to assist law enforcement officials. Other Federal agencies, with coordination by Juvenile Justice, also offered financial support. As a result of these efforts, all but one of the missing youths have been accounted for.

Unfortunately, unlike the tragedy in Atlanta, the majority of these cases goes unpublicized and little or no assistance is provided. This nightmare does not need to exist. The technology is available now which could enable law enforcement agencies to solve a large number of these cases.

The amendment presented today will utilize effectively this technology. It will require the Attorney General to assist State and local law enforcement agencies in collecting and disseminating information on missing persons. Additionally, the amendment will establish a national clearinghouse on the unidentified dead.

It is an incredible irony that, in this great Nation, we have employed our technological know-how to devise a comprehensive, nationwide system for locating and identifying stolen automobiles, but no comparable system exists for the location of kidnapped and missing children. I implore my colleagues, Mr. President, to act to rectify this wrong and to vote in favor of this amendment.

In Atlanta, the anxiety is subsiding. But Darron Glass, who disappeared at the age of 10 in October 1979, is still missing. Until all avenues are explored which might lead to his location, the tragedy in Atlanta will not be behind us. And we, as U.S. Senators, will not have done all in our power to serve our fellow Americans.●

MISSING CHILDREN ACT

● Mr. RIEGLE. Mr. President, as a cosponsor of S. 1701, the Missing Children Act as introduced by Senator HAWKINS, I am very pleased with the Senate decision to include this act as an amendment to H.R. 4169, the Departments of Commerce, Justice, and State appropriations bill. The Missing Children Act will extend the use of modern computer technology in an area of concern to all of us; the protection of our Nation's children.

Creating a national clearinghouse for information on missing children will provide a much-improved system for obtaining and maintaining information about all missing children in an effort to aid local law enforcement officials and parents in their search for these children.

Since access to the system would be available as soon as a child is reported missing, the FBI could help to expedite the efforts of parents and police in locating and identifying missing children, helping to prevent further harm. In addition, centralizing and improving the records of unidentified bodies will prevent parents from suffering through years of anguished waiting for information and may increase the speed at which these cases can be solved.

It is a tragedy of modern society that conditions exist which lead to the disappearance of 150.000 children each year. It is imperative that, while working to find solutions to these larger problems we take advantage of opportunities such as those provided by a centralized computer system to reduce the trauma and suffering caused by the absence or loss of a child.●

THE FULBRIGHT EDUCATIONAL EXCHANGE PROGRAM

● Mr. PRYOR. Mr. President, I would like to take a moment to congratulate the Appropriations Committee on restoring and adding to the funding for educational and exchange programs of the International Communications Agency. Funds for these programs had been cut by the House of Representatives at the request of the administration.

Under the administration's proposal, the academic program in fiscal year 1982 would be cut by 53 percent. That drastic a cut would eliminate educational exchanges in all but 59 of the 125 countries in which the program now operates. The number of students served by the program would be cut by 40 percent. Host country contributions would drop sharply in accordance with the U.S. cuts. Programs in 27 private organizations would be dissolved.

Mr. President, I take a special interest in these academic programs, which were the creation of one of my predecessors, J. William Fulbright, who served the State of Arkansas brilliantly during 30 years in the Senate.

I hope my colleagues will bear with me a moment while I review the origins and successes of the Fulbright program. In 1946, while this Nation was beginning to recover from the upheaval of World War II, Bill Fulbright recognized the value of international exchanges to promote understanding between nations and to create or strengthen ties on an individual as well as governmental level.

He introduced legislation authorizing our Government to use proceeds from the sale of surplus war property outside the United States to finance the exchange of students and teachers. Under the Fulbright Act these funds were made available for the first time to finance grants to foreigners to teach and study in the United States, thus creating a two-way street that has served us well. Soon, private organizations and universities joined in a partnership with the Government. Over the years the act was amended several times and the funding and scope of the program expanded considerably.

In its 36 years of existence the program has supported more than 130,000 students—45,000 from the United States and 85,000 from other countries. Total U.S. Government appropriations have been $600 million, with non-U.S. Government sources contributing over $50 million. Participating countries have increased from 30 in 1950 to 125 in 1980.

Unfortunately, support for the program waned slightly in the late 1960's and the 1970's, and when we adjust for inflation, we find that present funding levels are at only 60 percent of the pre-1968 level. In 1950 the program financed foreign study for 3,800 grantees from the United States and 20 other countries. Today, 125 countries participate, but the

number of students has remained the same.

Mr. President, the Senate must not allow any further erosion of this program.

If I may, I would like to pass along a few comments which Bill Fulbright made recently in a letter to President Reagan in support of the international exchange program:

My reason for believing that this program is worthy of your attention is my conviction that it has a direct relation to the security of our country, a matter which is of deep concern to you and to all Americans.

The transnational exchanges create interest and relationships among people of different countries and ideologies, which inspire the desire and the will to find an alternative to nuclear conflict as a way to reconcile their differences.

Nominally the educational exchange is an academic matter, but in reality it also affects the basic ingredient of our political relations with other countries, through the individuals who determine governmental decisions directly and indirectly.

There are several lessons to be drawn from these remarks. I am firmly convinced that by promoting understanding between nations we are actively reducing the basis for many of the antagonisms that can lead to armed conflict. People around the world have some strange ideas about the United States and our way of life, and, I must say, U.S. citizens harbor their full share of misconceptions about other nations. Foreign study increases our knowledge of other nations, eliminates specific prejudices and misconceptions, and makes us more tolerant of other points of view. It is not difficult to stir up bad feelings against an abstract vision of another country. It is much more difficult to build up antagonisms where there has been substantial contact with individuals from that other country. The more ties we create abroad, the easier it is to keep the peace.

If some of my colleagues are worried about the "payoff" associated with this program, let me assure them that the "payoff" under Fulbright is real. We are talking about the education of the leaders of tomorrow, just as the program in the past has financed the foreign study of many of today's leaders. Obviously, it will always be to our advantage to deal with foreign leaders who have sympathetic ties with our own country. We have seen at least one nation whose government is more or less in the hands of a group of officials who received their education in this country, and our relations with that nation, not coincidentally, have been excellent.

A recent survey by the Board of Foreign Scholarships revealed that 33 heads of state and 378 cabinet-level ministers had studied or visited in the United States under the aegis of educational exchange program. Among those participants we find such leaders as Prime Minister Margaret Thatcher of Great Britain, President Julius Nyerere of Tanzania, Chancellor Bruno Kreisky of Austria, Chancellor Helmut Schmidt of West Germany, and Prime Minister Indira Gandhi of India. In addition, our own Senators PAT MOYNIHAN and JACK SCHMITT have studied abroad under a Fulbright grant.

The Senate Appropriations Committee has taken a firm stand on the question of funding exchange programs. Not only did it refuse to go along with the House in cutting the program, but it added enough money for a slight increase in some program operations. The committee has added its voice to that of the Senate Foreign Relations Committee, which has called for substantial increases in exchange programs over the next several years. I am grateful to the committee and congratulate its members on their foresight in appreciating the benefits which are bound to follow from increased international contact.

It seems to me that the program which Bill Fulbright established is the most effective way we have found to promote international understanding and achieve good will toward the United States among future leaders abroad. In view of the very strong reaction around the country opposing the proposed cuts, I am hopeful that the Senate position will prevail in conference. I urge the Senate conferees to do their utmost to see that the full Senate figure is adopted in the end.●

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, the time to not extend beyond 4:15 p.m., and that Senators may speak therein for not to exceed 10 minutes.

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

NUCLEAR BLACKMAIL

Mr. THURMOND. Mr. President, large crowds organized by leftwing activists recently rallied in Bonn, London, and Rome to "protest" the so-called U.S. nuclear arms buildup in Western Europe. One of the arguments advanced by the demonstrators is that by keeping U.S. nuclear weapons out of Western Europe, the Soviets will be less likely to fire their SS-20 missiles at U.S. targets.

It is ironic that these Europeans take this position, because without a strong U.S. military presence, the Soviets are more likely to fire upon a vulnerable Western Europe knowing that existing missiles in Western Europe cannot reach the U.S.S.R.

As Congress studies the Reagan program for an upgraded national defense, may we also realize our responsibility as a world power to be ready to protect our North Atlantic Treaty Organization allies in Western Europe.

For the protection of Western Europe, the United States, and ultimately the entire free world, I believe that it is imperative that the United States have a strong military presence in Western Europe.

Our purpose is not to provoke a nuclear war, but to prevent one. The only way to keep Russia in check is to maintain our military strength. Deploying U.S. nuclear missiles in Europe will serve as a deterrent to Soviet aggression—a growing malignancy that threatens the free world.

Mr. President, I am pleased that an editorial which appeared in the October 2, 1981, edition of the Greenville, S.C., News shares my concerns regarding Western Europe and its defense relationship with America. In order to share this excellent article with my colleagues, I ask unanimous consent that it appear in the RECORD at the conclusion of my remarks.

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

NUCLEAR BLACKMAIL

The United States will be at a disadvantage on Nov. 30 when negotiations begin with the Soviet Union on limiting nuclear weapons in Europe. The reason is two-fold:

The Soviet Union's SS-20 missiles, already deployed, can devastate Western Europe on short notice, but none in Western Europe can reach the U.S.S.R.

Widespread vocal dissent, apparently well coordinated, in key Western European countries aims to prevent placement of similar weaponry in the West to counter the Soviet nuclear arsenal.

Therefore, the United States will be negotiating from a position of relative weakness, unless NATO countries express determination to match weapon with weapon.

Over-all American capability—or threat of all-out nuclear war in event of an attack on Europe—may be sufficient deterrence, but only if the Soviet leadership is convinced the United States can and will respond. And that exposes the "window of vulnerability" in this country's nuclear defense policy: uncertainty about American capability.

The chilling thing about the gap in Western Europe's nuclear position is evidence that the Soviet Union is daring the West to match its weaponry. It's a form of nuclear blackmail which is enjoying some success in growing anti-American and anti-weapons sentiment in several NATO nations.

That's the danger of dealing with the Soviet Union from any position other than solid, clearly-understood strength. And that's the reason for a sense of urgency about restoring the perceived effectiveness of America's armed forces.

REMARKS BY ATTORNEY GENERAL WILLIAM FRENCH SMITH BEFORE THE FEDERAL LEGAL COUNCIL

Mr. THURMOND. Mr. President, recently, Attorney General William French Smith spoke before the Federal Legal Council on the proper role of the judiciary. In his comments, the Attorney General presented a concise restatement of the problem of judicial activism and indicated the posture which the Reagan administration will take to help reinforce the traditional role of the judiciary.

Mr. President, I have always been impressed with the qualifications of Attorney General Smith, and I believe that this speech clearly underscores that this man is one of the finest attorneys to hold this position in modern times. Rarely in recent history has there been a chief legal officer who understood the Constitution as well as this great lawyer and who could so cogently express the fundamental principles on which this Nation was founded.

In addition to recounting the evolution of judicial usurpation of policymaking through artificial analysis and implied rights, the Attorney General ex-

plained how the Reagan administration plans to respond to the American people by reemphasizing the traditional constitutional roles of the three branches of the Federal Government. Attorney General Smith also makes it clear that this administration is unalterably dedicated to insuring that the executive branch upholds its responsibility under the Constitution, rather than preempting legislative prerogatives by using discretion in determining which laws it will support and defend.

Mr. President, in order to share this excellent speech with my colleagues, I ask unanimous consent that the complete text of the address by Attorney General Smith be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE HONORABLE WILLIAM FRENCH SMITH, ATTORNEY GENERAL OF THE UNITED STATES

It is a special pleasure for me to be here this morning and to open this first gathering of the men and women who direct the Reagan Administrations legal machinery. Most of us are here because of an election that occurred last November, and I want to use this occasion to outline what that election means to us as the Government's lawyers. Simply put, consistent with the Constitution and the laws of the United States, the Department of Justice intends to play an active role in effecting the principles upon which Ronald Reagan campai ned.

Already, there have been many significant changes. We have proposed a comprehensive crime package of more than 150 administrative and legislative initiatives that would help to redress the imbalance between the forces of law and the forces of lawlessness. We have proposed a new approach to immigration and refugee policy designed to reassert control over our own borders. We have brought the Government's antitrust policies back to the real economic world by focusing upon truly anticompetitive activities rather than outmoded and exotic theories. We have firmly enforced the law that forbids federal employees from striking. We have opposed the distortion of the meaning of equal protection by courts that mandate counterproductive busing and quotas. We have helped to select appointees to the federal bench who understand the meaning of judicial restraint.

As significant as all these changes are, however, they represent only a beginning. Today, I will discuss the next stage in this process. We intend, in a comprehensive way, to identify those principles that we will urge upon the federal courts. And we intend to identify the cases in which to make our arguments—all the way to the Supreme Court. We believe that the groundswell of conservatism evidenced by the 1980 election makes this an especially appropriate time to urge upon the courts more principled bases that would diminish judicial activism. History teaches us that the courts are not unaffected by major public change in political attitudes. As the great jurist Benjamin Cardozo once wrote:

"The great tides and currents which engulf the rest of men do not turn aside in their course and pass the judges by."

Consider for a moment the 1900 Presidential election. That year, a burning issue of the campaign was whether or not the protections of the Constitution automatically attached to the territories annexed after the Spanish-American War. Paralleling the public opinion expressed in the election, in 1901 the Supreme Court held in the four Insular Cases that it did not. In explaining that result, the columnist Finley Peter Dunne caused his fictitious Irish bartender Mr. Dooley to speak the following prophetic words:

"No matter whither th' Constitution follows th' flag or not, th' Supreme Court follows th' illicition returns."

Federal judges in 1931—as in 1901—remain free from direct popular control. Nevertheless, basic changes in public sentiment can still portend changing judicial philosophy. Various doubts about past conclusions have already been expressed in Supreme Court opinions, concurrences, and dissents—which makes the next few years inviting ones to urge modifications upon that Court and other federal courts.

We intend to do exactly that. Solicitor General Rex Lee is already working with our Assistant Attorneys General to identify those key areas in which the courts might be convinced to desist from actual policy-making. In some areas, what we consider errors of the past might be corrected. In other areas, past trends might at least be halted and new approaches substituted. Today, I want to outline some of those areas upon which we are focusing.

It is clear that between *Allgeyer* v. *Louisiana* in 1897 and *Nebbia* v. *New York* in 1934 the Supreme Court engaged in—and fostered—judicial policy-making under the guise of substantive due process. During this period, the Court weighted the balance in favor of individual interests against the decisions of state and federal legislatures. Using the due process clauses, unelected judges substituted their own policy preferences for the determinations of the public's elected representatives.

In recent decades, at the behest of private litigants and even the Executive Branch itself, federal courts have engaged in a similar kind of judicial policy-making. In the future, the Justice Department will focus upon the doctrines that have led to the courts' activism. We will attempt to reverse this unhealthy flow of power from state and federal legislatures to federal courts—and the concomitant flow of power from state and local governments to the federal level.

Three areas of judicial policy-making are of particular concern. First, the erosion of restraint in considerations of justiciability. Second, some of the standards by which state and federal statutes have been declared unconstitutional—and, in particular, some of the analysis of so-called "fundamental rights" and "suspect classifications." And third, the extravagant use of mandatory injunctions and remedial decrees.

Article III of the Constitution limits the jurisdiction of the federal courts to the consideration of cases or controversies properly brought before them. Nevertheless, in recent years, a weakening of the courts' resolve to abide by the case or controversy requirement has allowed them greater power of review over government action. Often, the federal government itself has in the past moved courts to show less deference to the boundaries of justiciability—in particular, in environmental litigation. The Justice Department will henceforth show a more responsible concern for such questions. We will assert the doctrine in those situations that involve any of its four elements—standing, ripeness, mootness, and presence of a political question. Vindicating the principle of justiciability would help return the courts to a more principled deference to the actions of the elected branches.

Like the concept of judicial restraint itself, the constitutional requirement of justiciability limits the permissible reach of the courts irrespective of the desirability of reaching the underlying legal issues involved. The doctrine of justiciability therefore limits the possibility of judicial encroachment upon the responsibilities of the other branches or the states—even in those situations when the other branch or level of government has chosen not to act. Some responsibilities are entrusted solely to nonjudicial processes. In those instances, we intend to urge the judicial forebearance envisioned by the Constitution.

Just as courts have sometimes overstepped the proper bounds of justiciability, their analyses of equal protection issues have often trespassed upon responsibilities our constitutional system entrusted to legislatures. Through their determination of so-called "fundamental rights" and "suspect classifications," courts have sometimes succeeded in weighting the balance against proper legislative action.

In the 1942 case of *Skinner* v. *Oklahoma*, the Supreme Court first emphasized the concept of fundamental rights that invites courts to undertake a stricter scrutiny of the inherently legislative task of line-drawing. In the nearly forty years since then, the number of rights labeled "fundamental" by the courts has multiplied.

They now include the first amendment rights and the right to vote in most elections—rights mentioned in the Constitution. In addition, however, they include rights that—though deemed fundamental—were held to be only implied by the Constitution. The latter group—which has become a real base for expanding federal court activity—includes the right to marry, the right to procreate, the right of interstate travel, and the right of sexual privacy that, among other things, may have spawned a right—with certain liimtations—to have an abortion.

We do not disagree with the results in all of these cases. We do, however, believe that the application of these principles has led to some constitutionally dubious and unwise intrusions upon the legislative domain. The very arbitrariness with which some rights have been discerned and preferred, while others have not, reveals a process of subjective judicial policy-making as opposed to reasoned legal interpretation.

At the very least, this multiplication of implied constitutional rights—and the unbounded strict scrutiny they produce—has gone far enough. We will resist expansion. And, in some cases, we will seek to modify the use of these categories as a touchstone that almost inevitably results in the invalidation of legislative determinations. We will seek to modify especially the application of a strict scrutiny to issues whose very nature requires the resources of a legislature to resolve.

We shall also contest any expansion of the list of suspect classifications, which, once established by a court, almost inevitably result in the overturning of legislative judgments. Thus far, the Supreme Court has employed a strict-scrutiny test when legislative classifications turn upon race, national origin, or, in many instances, alienage. In addition, when classifications are based upon sex or legitimacy, the Court has on occasion conceived and applied a middle test somewhere between the special strict-scrutiny test and the normal rational-basis test.

Already, some limitations have been forged in the Supreme Court to temper these analyses of suspect and quasi-suspect classifications—for example, in the case of alienage.

The Department of Justice will encourage further refinement in these areas—in particular, by resisting increase in the number of suspect or quasi-suspect classifications and by tempering the strictness of the analysis applied to classifications based upon alienage. Throughout, as with the so-called fundamental rights, as we shall be guided by the principle that legislatures, rather than courts, are better suited both constitutionally and practically to make certain kinds of complex policy determinations. We shall, however, remain vigilant to the Civil War Amendments' explicit concern over classifications based on race.

The extent to which the federal courts have inappropriately entered legislative terrain can be seen most clearly—and felt—in their use of mandatory injunctions and attempts to fashion equitable remedies for perceived violations. Throughout history, the equitable powers of courts have normally reached only those situations a court can effectively remedy. Implicit within that historical limitation is the recognition that some kinds of remedial efforts require resources and expertise beyond those of a federal court—even one aided by special masters.

Nevertheless, federal courts have attempted to restructure entire school systems in desegregation cases—and to maintain continuing review over basic administrative decisions. They have asserted similar control over entire prison systems and public housing projects. They have restructured the employment criteria to be used by American business and government—even to the extent of mandating numerical results based upon race or gender. No area seems immune from judicial administration. At least one federal judge had even attempted to administer a local sewer system.

In the area of equitable remedies, it seems clear that federal courts have gone far beyond their abilities. In so doing, they have forced major reallocations of governmental resources—often with no concern for budgetary limits and the dislocations that inevitably result from the limited judicial perspective.

In many of these cases, the Department will also seek to ensure better responses to the problems at issue by the more appropriate levels and branches of government. We have already begun that process in the case of busing and quotas, both of which have largely failed as judicial remedies.

Thus far, I have discussed some of those things that the Department of Justice will do to further the goals of this Administration. Through legislation and litigation, we will attempt to effect the goals I have outlined. There are, however, some things that we cannot—and will not—do.

Throughout my remarks today, I have emphasized the importance of judicial restraint to the constitutional principle of separation of powers. The Constitution confides certain powers in the Legislative Branch and not in the Judicial Branch. In a similar fashion, the Constitution delineates the proper domain of the Executive and Legislative functions. The Constitution directs the President to ensure the faithful execution of the laws, which forms the basis of the Attorney General's litigating authority for the government as a whole. That constitutional command also requires the Executive branch to defend measures duly enacted by the Congress—even those with which the Administration does not agree.

Statutes with which we disagree are nevertheless the law of the land. As such, they must be defended against attack in the courts. They must also be fully enforced by the Executive Branch when their validity and meaning are clear. Some have suggested that this Administration intends to do less. Others have suggested that this Administration should do less.

In fact, the Department of Justice intends to do exactly what the Constitution requires—to enforce the laws duly and constitutionally enacted by the Congress. If we were to do less, we would ourselves be guilty of the same kind of transgressions that I have pledged we would combat on the part of the Judiciary. Under the Constitution, the Executive cannot unilaterally alter the clear enactments of Congress any more than the courts can. When it disagrees with a law, the Executive Branch can urge and support changes by the Congress. In the case of laws that are clearly and indefensibly unconstitutional, the Executive can refuse to enforce them and urge invalidation by the Courts. When reasonable defenses are available, we will defend a statute that does not intrude upon the powers of the Executive Branch. That is our responsibility under the Constitution irrespective of our views on substantive policy.

In the case of ambiguous laws, the Executive can in good faith urge and pursue those interpretations that seem most consistent with the intentions of the Congress, the policies of the Administration, and the other laws of the land. The Executive can do all of these things, but it can constitutionally do no more. No one should doubt that this Administration's adherence to the Constitutional principle of separation of powers will exact from us the same degree of obedience and moderation that we will urge upon the courts.

There is an old story about James Russell Lowell when he was the American Ambassador to the Court of St. James during the late nineteenth century. The French Ambassador of the time—who was himself a historian as well as a diplomat—approached Lowell with a question:

"Mr. Ambassador, how long will the American republic endure?"

The American Ambassador replied:

"As long as the ideals of its leaders reflect the ideals of the Nation's Founding Fathers."

This Administration intends to use every resource at its disposal to ensure that this government reflects the ideals of the Founding Fathers. Those principles have long enabled our Nation both to endure and to prosper. In the furtherance of those principles, however, we will not ourselves seek short-term successes at the expense of basic principles. We will demand of ourselves that same adherence to sound constitutional principles that we intend to demand of the other branches of government.

MEMORIAL COUNCILS AND THE NEED TO PREVENT GENOCIDE

Mr. PROXMIRE. Mr. President, on October 26, 1981, the Department of State served as host for the International Liberators Conference of the U.S. Holocaust Memorial Council. The Council is a nonpolitical organization created by President Carter, and enacted into law by a unanimous vote of both the House of Representatives and the Senate of the United States.

Its purpose is to make our citizens—and people everywhere—aware of the unspeakable crimes perpetrated systematically, and officially, against the Jewish people and humanity during World War II. Let me quote the chairman of the Council, the Honorable Elie Weisel, as to its purpose:

Our activities are manifold in nature and scope. The International Relations Committee, which coordinated this conference, is but one of the committees functioning within the Council. Another committee is in charge of gathering pertinent archives; another is preparing educational programs for elementary and secondary schools and universities. There is a committee to prepare the Annual Remembrance Day ceremonies, another to plan the museum, and yet another is engaged in raising funds to finance all these activities.

What we all have in common is an obsession not to betray the dead we have left behind or who left us behind. They were killed once; they must not be killed again through forgetfulness.

Mr. President, we have here a Council, created by the President of the United States, which serves as a reminder of man's inhumanity to his brothers and charges us never to forget this unprecedented crime against mankind. The holocaust is clearly one of mankind's blackest deeds, and the act of bringing together the liberators and the survivors, to remember and to remind, is one of great humanitarian value.

My question and challenge to the Senate is this, Mr. President: Will future Presidents need to create Memorial Councils for groups such as the Ugandans, Armenians, Cambodians, East Timors and other groups, yet to be named?

Would any of these groups have been spared their agonies if the Genocide Convention had been universally ratified?

Some would say no. I say even if all of these inhuman acts are not officially declared genocide, a united international voice against genocide would be a deterrent to such cruel acts in the future.

The ratification of the Genocide Convention would serve mankind well if it reduced even by one the need for future Memorial Councils.

I urge my colleagues to act, and ratify this treaty.

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 91

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one deferral of $108 thousand in fiscal year 1982 funds.

This action is taken to restrain spending of funds made available by the Continuing Resolution, P.L. 97-51.

The deferral contained in this message is for the Department of Interior's Historic Preservation Fund.

The details of the deferral are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *November 13, 1981.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2221. A communication from the Secretary of Agriculture transmitting, pursuant to law, a proposal for a national soil and water resource conservation program; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2222. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, a plan for ground-water research and for the use of the results of such research; to the Committee on Environment and Public Works.

EC-2223. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Civil Service Reform After Two Years: Some Initial Problems Resolved But Serious Concerns Remain"; to the Committee on Governmental Affairs.

EC-2224. A communication from the Executive Secretary of the Federal Reserve Employee Benefits System transmitting, pursuant to law, the annual report for the retirement plan of the employees of the Federal Reserve System; to the Committee on Governmental Affairs.

EC-2225. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, a report on the fourth annual survey of the Nation's proved crude oil, natural gas, and natural gas liquids reserves; to the Committee on Governmental Affairs.

EC-2226. A communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under the proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from April 1, 1981 through September 30, 1981; ordered to lie on the table.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-579. A resolution adopted by the House of Representatives of the State of Louisiana; to the Committee on Agriculture, Nutrition, and Foresty.

"A RESOLUTION

"Whereas, for many years the sugar industry in the United States has operated under a system of federal price supports; and

"Whereas, the federal price supports have helped to stabilize the sugar market; and

"Whereas, a significant percentage of the farmers in Louisiana plant sugarcane and depend upon a stable sugar market for their livelihood; and

"Whereas, the income earned by sugarcane farmers contributes significantly to the economic well-being of this state; and

"Whereas, in recent months certain elements in the Congress have attempted to destroy the sugar price support system; and

"Whereas, the destruction of the sugar price support system would produce grave economic consequences to the sugarcane farmers and to the overall economic health of this state.

"Therefore, be it resolved by the House of Representatives of the Legislature of the State of Louisiana, That the United States Congress is hereby memorialized to take such actions as are necessary to preserve and strengthen the federal price support system for sugar.

"Be it further resolved, That a copy of this Resolution shall be transmitted without delay to the presiding officers of each house of the United States Congress and to each member of the Louisiana Delegation in Congress."

POM-580. A resolution adopted by the Southern Governor's Association, relative to the Mediterranean Fruit Fly; to the Committee on Agriculture, Nutrition, and Forestry.

POM-581. A petition from a citizen of Brattleboro, Vermont, urging congressional cooperation with President Reagan's efforts to strengthen the military; to the Committee on Armed Services.

POM-582. A resolution adopted by the Southern Governor's Association, relative to cost recovery for ports maintenance; to the Committee on Commerce, Science, and Transportation.

POM-583. A resolution adopted by the Texas and Southwestern Cattle Raisers Association, supporting Secretary James Watt for his management of public lands; to the Committee on Energy and Natural Resources.

POM-584. A resolution adopted by the Southern Governor's Association, relative to the United States Synthetic Fuels Corporation; to the Committee on Energy and Natural Resources.

POM-585. A resolution adopted by the Southern Governor's Association, relative to low-level radioactive waste management; to the Committee on Environment and Public Works.

POM-586. A resolution adopted by the Southern Governor's Association, relative to Clear Air Act Amendments; to the Committee on Environment and Public Works.

POM-587. A resolution adopted by the Southern Governor's Association, relative to forestry in the South; to the Committee on Finance.

POM-588. A resolution adopted by the Southern Governor's Association, relative to industrial development bonds; to the Committee on Finance.

POM-589. A resolution adopted by the Southern Governor's Association, relative to medicaid; to the Committee on Finance.

POM-590. A petition from a citizen of Milwaukee, Wisconsin, urging an end to deficit spending and wasteful government spending; to the Committee on Finance.

POM-591. A resolution adopted by the Southern Governor's Association, relative to State severance taxes; to the Committee on Governmental Affairs.

POM-592. A resolution adopted by the Southern Governor's Association, relative to Federal regulation of State and local pension systems; to the Committee on Governmental Affairs.

POM-593. A resolution adopted by the Southern Governor's Association, relative to limiting the number of refugees admitted to the United States to a number which can be supported by the Federal funds available; to the Committee on the Judiciary.

POM-594. A petition from a citizen of Lawrence, Kansas, relative to abortion; to the Committee on the Judiciary.

POM-595. A petition from a citizen of Palo, Iowa, supporting the Davis-Bacon Act; to the Committee on Labor and Human Resources.

POM-596. A petition from a citizen of Hunlock Creek, Pennsylvania, relative to outlawing monopoly bargaining in the Federal service; to the Committee on Labor and Human Resources.

POM-597. A petition from a citizen of San Mateo, California, relative to union violence in America; to the Committee on Labor and Human Resources.

POM-598. A petition from a citizen of Santa Barbara, California, relative to union violence in America; to the Committee on Labor and Human Resources.

POM-599. A petition from a citizen of Chillicothe, Ohio, relative to union violence in America; to the Committee on Labor and Human Resources.

POM-600. A petition from a citizen of Presque Isle, Maine, relative to union violence in America; to the Committee on Labor and Human Resources.

POM-601. A petition from a citizen of Tampa, Florida, relative to union violence in America; to the Committee on Labor and Human Resources.

POM-602. A petition from a citizen of Clearwater, Florida, relative to union violence in America; to the Committee on Labor and Human Resources.

POM-603. A petition from a citizen of New York, New York, relative to union violence in America; to the Committee on Labor and Human Resources.

POM-604. A petition from a citizen of Muleshoe, Texas, relative to union violence in America; to the Committee on Labor and Human Resources.

POM-605. A petition from a citizen of West Newton, Massachusetts, relative to union violence in America; to the Committee on Labor and Human Resources.

POM-606. A resolution adopted by the Southern Governor's Association, relative to Federal fiscal impact notes; to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Kenneth L. Adelman, of Virginia, to be a representative of the United States to the 36th session of the General Assembly of the United Nations, to which office he was appointed during the last recess of the Senate;

John Sherman Cooper, of Kentucky, to be a representative of the United States to the 36th session of the General Assembly of the United Nations, to which office he was appointed during the last recess of the Senate;

BENJAMIN A. GILMAN, U.S. Representative from the State of New York, to be a representative of the United States to the 36th session of the General Assembly of the United Nations, to which office he was appointed during the last recess of the Senate;

ANDY IRELAND, U.S. Representative from the State of Florida, to be a representative of the United States to the 36th session of the General Assembly of the United Nations, to which office he was appointed during the last recess of the Senate;

Jeane J. Kirkpatrick, of Maryland, to be a representative of the United States to the 36th session of the General Assembly of the United Nations, to which office she was appointed during the last recess of the Senate;

Bruce F. Caputo, of New York, to be an alternate representative of the United States to the 36th session of the General Assembly of the United Nations, to which office he was appointed during the last recess of the Senate;

George Christopher, of California, to be an alternate representative of the United States to the 36th session of the General Assembly of the United Nations, to which office he was appointed during the last recess of the Senate;

Charles M. Lichenstein, of the District of Columbia, to be an alternate representative of the United States to the 36th session of the General Assembly of the United Nations, to which office he was appointed during the last recess of the Senate;

William Courtney Sherman, of Virginia, to be an alternate representative of the United

States to the 36th session of the General Assembly of the United Nations, to which office he was appointed during the last recess of the Senate; and

Jose S. Sorzano, of Virginia, to be an alternate representative of the United States to the 36th session of the General Assembly of the United Nations, to which office he was appointed during the last recess of the Senate.

(The above nominations were reported from the Committee on Foreign Relations, with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BENTSEN:

S.J. Res. 128. A joint resolution designating the fourth Sunday in October as "National Mother-in-Law Day."; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S.J. Res. 128. Joint resolution designating the fourth Sunday in October as "National Mother-in-Law Day"; to the Committee on the Judiciary.

NATIONAL MOTHER-IN-LAW DAY

● Mr. BENTSEN. Mr. President, I am today introducing a Senate companion to House Joint Resolution 311, declaring a national Mother-in-Law Day. One of my reasons for introducing this resolution is that too often in the Senate we rush to pass legislation without remembering to mention the originators of the ideas we so diligently pursue. No, I am not going to try to claim credit for Mother-in-Law Day, but I do want to give credit where credit is due.

Gene Howe, a free-wheeling Amarillo, Tex. newspaperman entertained and amused the people of the Texas Panhandle for nearly three decades. His column "Tactless Texan," written under the pen name Erasmus Rookus Tack, was the most widely read, by actual count, of any in west Texas. Jack Alexander explained his style in the January 1, 1944, edition of the Saturday Evening Post:

> Publisher Howe's favorite stunt is to stir up a nice, human rumpus in his Tactless Texan column and then hide out at his ranch until the storm blows over.

One of those "nice, human rumpuses" he stirred up was Mother-in-Law Day. He wanted to show his "lasting affection for the wonderful lady" who shared his family, so he announced his intention to have a Mother-in-Law Day of his own. But being a newspaperman, he had trouble keeping it a private affair, and soon the Nellie Donald Mother-in-Law Club was formed.

So on March 5, 1934, the first Mother-in-Law Day was held in Amarillo. The date was convenient because the cattlemen's convention would be in town and there would be plenty of escorts to take the women to the movie that was planned as entertainment. But when 5,000 women appeared from five States to receive corsages provided by the publisher and free movie tickets, there were certainly not enough escorts.

The event was acclaimed by State Governors, Will Rogers, Arthur Brisbane, and the London Times. The cities of Atlanta, Cincinnati, and Seattle were soon holding similar celebrations.

In 1937 the club went national, and in 1938 First Lady Eleanor Roosevelt was the guest speaker. Governors from Texas, Oklahoma, New Mexico, and Kansas all attended, with their mothers-in-law. The parade was the longest ever staged in the Southwest.

Mr. President, it is our duty, as we consider making Mother-in-Law Day a national celebration, that we also honor the memory of Gene A. Howe, newspaper publisher, editor, television and radio pioneer. Howe held forth from page 2, column 1 of the Amarillo Globe-Times from 1924 to 1952. He was a master promoter, and his ingenius schemes often brought him national attention. Throughout his career he showed that a newspaper can operate with compassion, never sacrificing people for the story, and still show a profit. He built a communications empire on his philosophy that "A newspaper may be forgiven for lack of wisdom but never for lack of courage."

Mr. President, I want to close with the tribute to mothers-in-law written by Gene Howe on March 5, 1934:

> It takes a real woman, a woman with a heart and head and wisdom to see that her children are married right and then their home fires are kept burning and that the children that come along are brought up properly and given a chance. A mother-in-law is a mother who has made good.

I ask that the resolution be appropriately referred and that the committee considering it report the measure expeditiously.●

ADDITIONAL COSPONSORS

S. 1651

At the request of Mr. BENTSEN, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1651, a bill to combat international terrorism.

S. 1701

At the request of Mrs. HAWKINS, the Senator from Arizona (Mr. DECONCINI), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Nebraska (Mr. EXON), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oklahoma (Mr. NICKLES), the Senator from Mississippi (Mr. STENNIS), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 1701, a bill to amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children and other specified individuals.

S. 1808

At the request of Mr. PACKWOOD, the Senator from Hawaii (Mr. INOUYE), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of S. 1808, a bill to authorize an Under Secretary of Commerce for Economic Affairs.

SENATE RESOLUTION 238

At the request of Mr. BENTSEN, the Senator from Arkansas (Mr. PRYOR), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of Senate Resolution 238, a resolution to retain the deductability from personal taxes of interest paid on residential mortgages.

UP AMENDMENT NO. 609

At the request of Mrs. HAWKINS, the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of UP amendment No. 609 proposed to H.R. 4169, a bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1982, and for other purposes.

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND RELATED AGENCIES APPROPRIATION ACT, 1982

AMENDMENT NO. 630

(Ordered to be printed and to lie on the table.)

Mr. WEICKER (for himself, Mr. STAFFORD, Mr. EAGLETON, Mr. LEAHY, Mr. HEINZ, Mr. RIEGLE, Mr. KENNEDY, Mr. BRADLEY, Mr. LEVIN, Mr. TSONGAS, and Mr. PELL) submitted an amendment intended to be proposed by them to the bill (H.R. 4560) making appropriations for the Departments of Labor, Health, and Human Services, and related agencies for the fiscal year ending September 30, 1982, and for other purposes.

AMENDMENT NO. 631

(Ordered to be printed and to lie on the table.)

Mr. WEICKER (for himself, Mr. STAFFORD, Mr. HATCH, Mr. RIEGLE, Mr. KENNEDY, Mr. FORD, Mr. LEVIN, Mr. CRANSTON, Mr. BAUCUS, Mr. RANDOLPH, Mr. WILLIAMS, Mr. JACKSON, and Mr. STENNIS) submitted an amendment intended to be proposed by them to the bill H.R. 4560, supra.

AMENDMENT NO. 632

(Ordered to be printed and to lie on the table.)

Mr. WEICKER (for himself, Mr. STAFFORD, Mr. HATCH, Mr. RIEGLE, Mr. KENNEDY, Mr. FORD, Mr. CRANSTON, Mr. BAUCUS, Mr. LEVIN, Mr. RANDOLPH, Mr. WILLIAMS, and Mr. JACKSON) submitted an amendment intended to be proposed by them to the bill H.R. 4560, supra.

AMENDMENTS RELATED TO CERTAIN GRANT AND ASSISTANCE PROGRAMS

Mr. WEICKER. Mr. President, I ask unanimous consent that these amendments be included in the CONGRESSIONAL RECORD at the appropriate point and that these amendments be printed.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

On page 36, line 10, strike out "1,650,000,000." and insert in lieu thereof "$1,850,000,000.".

On page 52, line 5, beginning with "$947,094,000" strike out through "$8,549,000" in line 6 and insert in lieu thereof "$991,845,000, of which $892,865,538 shall be for allotments under section 100 (b) (1), $6,134,462".

On page 51, line 21, strike out "$900,000,000" and insert in lieu thereof "$969,800,000".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PRODUCTIVITY AND COMPETITION

Mr. WEICKER. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Productivity and Competition of the Senate Small Business Committee will hold a hearing on Tuesday, December 1, 1981, at 9:30 a.m., in room 424 of the Russell Senate Office Building.

The purpose of the hearing will be to examine "Federal Antitrust Policy: Implications for Small Business."

For additional information, contact Brian Hartman of the committee staff at 224–5175.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public that the nomination of Janet J. McCoy, of Oregon, to be High Commissioner of the Trust Territory of the Pacific Islands, has been added to the agenda of the full committee hearing scheduled for Thursday, November 19, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room 3104 Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Gary Ellsworth of the committee staff at 224–7146.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, of which I am chairman, will conduct a hearing on United States-Canadian trade policies and their impact on border State industries on Tuesday, November 17, at 9 a.m., in room 6226 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to hold a full committee hearing during the session of the Senate at 9:30 a.m. on Friday, November 13, to discuss S. 864, the Financial Integrity Act.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be authorized to hold a full committee hearing at 2 p.m. tomorrow, Friday, November 13, to discuss these nominations:

Lawrence W. Pierce, of New York, to be circuit judge for the second circuit court of appeals.

Clarence A. Beam, of Nebraska, to be U.S. district judge for the district of Nebraska.

Emmett R. Cox, of Alabama, to be U.S. district judge for the southern district of Alabama.

Cynthia Holcomb Hall, of California, to be U.S. district judge for the central district of California.

John Bailey Jones, of South Dakota, to be U.S. district judge for the district of South Dakota.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, November 16, to hold a hearing on Senate Joint Resolutions 110, 117, 118, and 119, resolutions dealing with abortion.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Governmental Affairs Committee, be authorized to meet during the session of the Sentae at 9:30 a.m. on Tuesday, November 17, to discuss international narcotics trafficking.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Governmental Affairs Committee, be authorized to meet during the session of the Senate at 9:30 a.m. on Wednesday, November 18, to discuss international narcotics trafficking.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Governmental Affairs Committee, be authorized to meet during the session of the Senate at 9:30 a.m. on Thursday, November 19, to discuss international narcotics trafficking.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A TRIBUTE TO MISS CLARA SWAN

● Mr. MITCHELL. Mr. President, I would like to take this opportunity to join with the many admirers of Clara Swan in paying her a tribute today. Miss Swan retired last summer from a 47-year career as an educator, coach, and administrator. She is a former vice president of Husson College, vice president of Plus-Gray School of Business and president of Casco Bay College.

A testimonial dinner will be held in her honor tomorrow evening in Portland, sponsored by the Business Education Association of Maine. In appreciation for her distinguished service, I ask to have printed in the RECORD an article from the Bangor, Maine, Daily News, which highlights her career.

The article follows:

PORTLAND TESTIMONIAL TO HONOR EDUCATOR

(By Wayne Reilly)

HAMPDEN.—Clara Swan was already an institution in business education when she left Husson College in 1973, after differences with the administration, to become vice president of Plus-Gray School of Business.

Unaware that the Portland junior college was nearly bankrupt, she later rejected an offer to become Husson's interim president with the support of petitions containing the names of more than 1,000 people.

In 1975 at the age of 63, the former Husson vice president and two colleagues bought the bankrupt college, and she became the first president of reorganized Casco Bay College.

The rest is a success story, a cap on a successful career in education and athletics for which Swan, who retired last summer, will be honored by the Business Education Association of Maine Saturday at a testimonial dinner in Portland. Her career in teaching, coaching and administration has spanned 47 years in classrooms from Dover-Foxcroft to Portland.

Swan, Priscilla Clark, a former Husson vice president, and Thelma Watson, a former head of the Husson business education program, added a night school program which attracted students to Casco Bay College. They regained the college's accreditation and restored its solvency. Last year, the institution enrolled more than 300 students and employed six full-time and 12 part-time teachers.

Swan's connection with Husson College dates back to 1933 when she received an associate's degree from the Maine School of Commerce, now Husson. After teaching and coaching for a few years at Mexico High School and Foxcroft Academy, and after getting a bachelor's degree from American international College, she began an association with Husson which lasted 34 years. She also picked up a master's degree from the University of Maine.

Swan is proud of the fact that during all those years as an administrator and later as president of Casco Bay College, she remained a part-time teacher.

"Teaching was more important to me than administration. I just fell into administration because I happened to be in the right place at the right time," she said during an interview at her home in Hampden.

Swan also made her mark as a basketball coach. In recognition of her 19 years as a Husson coach and other contributions to athletics, she became the third woman to join the Bangor Daily News Sports Hall of Fame in 1961. At Husson, she produced a record of 241 wins, 34 losses and seven ties.

Swan said she had never seen a basketball when she came to Brewer from Princeton as a high school sophomore. School officials wouldn't let her join the baseball team, so she decided to join the girls' basketball team instead.

Swan, who has an honorary doctorate from Fort Lauderdale College, was called "Miss Business Education of Maine" in 1971 when she received a distinguished service award from the University of Maine at Orono.

Her citation read, "In her 30 years at Husson, she has never forgotten that a student is an individual. Thousands of graduates of Husson feel a debt of gratitude to Clara Swan and recognize that part of their accomplishments are due to her teachings, her sense of organization and her administrative skill."●

JOHN RAKER: A DEDICATED AMERICAN

● Mr. HELMS. Mr. President, next Saturday in Lexington, N.C., a special, well-deserved tribute will be paid to a splendid citizen of my State, John Raker of Lexington. John Raker is a truly remarkable human being and a treasured friend.

Mr. President, I have known John Raker for many years. He is an outstanding American, Mr. President, with total dedication to God, to family, and to country.

John Raker never sacrifices principle for pragmatism; he never hesitates to choose the difficult course when it is the right course.

In addition to a successful career as a businessman, John Raker has quietly compiled a remarkable record of distinguished service to his community. He has never sought acclaim or recognition; he is instinctively a kind, generous, and compassionate man.

He is a Civitan, and he holds membership in the Royal Order of Redmen, the Oasis Shrine, the Scottish Rite Masons, and the Junior Order. His service in each organization has been marked by the same pattern of loyal and faithful particiaption.

John Raker has been active in politics for many years. He has attended every State and county GOP convention since 1920, a truly remarkable record.

Mr. President, John Raker has often declared that the smartest thing he ever did, at age 28, was when he persuaded Mable Bernice Ward to become his bride in 1924. Mrs. Raker was killed in a tragic automobile accident about a year ago. It has therefore been a sad, traumatic year for John Raker, but he has weathered it because his love for others has been reciprocated by those who love him.

Mr. President, I am so pleased that a public tribute will be paid to my dear friend, John Raker, a week from tomorrow. I wish I could be there; and, in spirit, I will be there—in a spirit of genuine admiration and days affection for one of nature's nobleman.●

PONZI MARCHES ON

● Mr. ARMSTRONG. Mr. President, the Denver Post just published what I believe is the best editorial yet written about efforts to save social security from almost certain bankruptcy.

The editorial, "Ponzi Marches On," is superb. It expresses so well what is on the hearts and minds of hundreds of Coloradans I have talked to: Save social security; do not let it become a football lobbed back and forth for political gain. Social security is the financial lifeline for 35 million Americans. It is foolish, as is wisely explained, to buy political popularity at the risk of social security's ultimate bankruptcy."

I urge my colleagues to spend a minute or two to read this insightful editorial. I ask that it be printed in the RECORD.

The editorial follows:

PONZI MARCHES ON

Millions of Americans inched closer to financial insecurity Wednesday when the House Ways and Means Committee refused to reform the U.S. Social Security System. Pressured by House Speaker Tip O'Neill, the Democratic majority voted to continue the present "Ponzi scheme" which buys political popularity at the risk of ultimate bankruptcy.

A Ponzi scheme is a sort of chain letter. A swindler named Ponzi once borrowed money and secretly used the borrowed capital itself to pay the lenders extravagant dividends. The purpose was to lure still more victims. Eventually Ponzi skipped town, leaving a few early investors with windfall gains and a massive number of destitute latecomers. The theory has lived on in such ploys as Glenn W. Turner's "Dare to be Great" pyramid sales scheme—and Social Security.

Of course, Social Security doesn't share Ponzi's dastardly *motive*. It was born with the noble goal of providing a financial floor under older Americans. But the method of financing *is* similar to Ponzi's—and subject to the same mathematical laws that eventually undermine all chain letters.

Political demagogues pretend the system is like a private pension plan, with retirees drawing benefits from trust established from their contributions. That isn't true. People pay in, all right, but that money isn't invested. Except for a relatively small reserve, it is paid out as fast as it comes in. Lately, outflow has been faster than income.

In 1938, an entire generation began to draw Social Security despite having paid in little or nothing. Each generation after that initial one has paid taxes to support the retirees ahead of it—counting on those born still later to keep the chain intact. That system worked well enough in the beginning because average life expectancy was about nine years less than today. At the start, there were about nine workers for every retiree, a light burden.

Today, longer life expectancies and lower births rates have dropped the ratio of active workers to retirees to 4–1. When the post-World War II "baby boom" reaches retirement age around the year 2010, there will only be two workers for each retiree. Then, the present system must either tax the next generation mercilessly—or go belly up. Even today, the Social Security tax is stiff—higher than income tax for many—and programmed to go higher.

There is a simple way to stave off Social Security bankruptcy—raise the retirement age to 68.

Because the underlying problem is long-term, that change could be phased in gradually so that people nearing retirement now don't have to upset long-laid plans. Raising the age for full benefits increases the number of active workers paying in while reducing the amount of benefits paid out. It also ensures that retirees can receive a decent sum.

Americans aren't "washed up" at 65—they're not only living longer, those extra years are healthier as well. That fact was recognized recently when Congress outlawed mandatory retirement at age 65. It's time to extend the same realism to Social Security.

The plan defeated Wednesday was a bipartisan effort drafted by Social Security subcommittee chairman J. J. Pickle, D-Texas, and senior Republican Barber Conable, R-N.Y. It would have ensured the system's future solvency in a number of ways including raising the basic retirement age. On O'Neill's orders, the plan was killed on a largely party-line vote of 18–14.

But, while Democrats may relish posing in the next election as the champion of Social Security benefits, the fact is that O'Neill's tactic undermined the financial security of every working American. Even those people drawing on the system now must wonder whether they can live out their days before the Ponzi scheme collapses under their feet.●

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, if the distinguished Senator from West Virginia is prepared to consider certain items, I shall ask that the Chair lay certain messages before the Senate.

MEMBERSHIP OF UNITED STATES HOLOCAUST COUNCIL

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1672.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1672) entitled "An Act to expand the membership of the United States Holocaust Memorial Council from sixty to sixty-five and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That the Act entitled "An Act to establish the United States Holocaust Memorial Council", approved October 7, 1980 (94 Stat. 1547; Public Law 96–388), is amended—

(1) in subsection (a) of section 2 by striking out "sixty" both times it appears and inserting in lieu thereof "sixty-five";

(2) in subsection (b) of section 2—

(A) by striking out "the initial" in the first sentence;

(B) by striking out all matter in the second sentence preceding "shall serve" and inserting in lieu thereof "All noncongressional voting members designated under the preceding sentence";

(C) in paragraph (1), by striking out "initial" and inserting in lieu thereof "such noncongressional voting";

(D) in paragraph (2), by striking out "ten of such initial" and inserting in lieu thereof "eleven of such noncongressional voting";

(E) in paragraph (3) by striking out "ten other initial" and inserting in lieu thereof "eleven other such noncongressional voting"; and

(F) by striking out the sentence following paragraph (3);

(3) in paragraph (1) of subsection (c) of section 2, by striking out "with respect to the initial members of the Council"; and

(4) by striking out subsection (b) of section 5 and substituting the following:

"(b) The Executive Director shall have authority to—

"(1) appoint employees in the competitive service subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and general schedule pay rates; and

"(2) appoint and fix the compensation (at a rate not to exceed the maximum rate of basic pay payable for GS–18 of the General Schedule) of up to three employees notwithstanding any other provision of law.".

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

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

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE, INTERNATIONAL COMMUNICATION AGENCY, AND THE BOARD FOR INTERNATIONAL BROADCASTING

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1193.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1193) to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes, (The amendment of the House is printed in the RECORD of October 29, 1981 beginning at page 26063.)

Mr. STEVENS. Mr. President, I move that the Senate disagree with the House amendment, agree to a conference requested by the House of Representatives and the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. LUGAR) appointed Mr. PERCY, Mr. HELMS, Mr. HAYAKAWA, Mr. LUGAR, Mr. PELL, Mr. BIDEN, and Mr. GLENN; Mr. MATHIAS as an additional conferee solely for the consideration of section 120 (a) through (e) of the House amendment; and Mr. CRANSTON in lieu of Mr. BIDEN as an additional conferee solely for consideration of title VI of the bill as passed by the Senate, as conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nomination on page 3, Calendar No. 477.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The legislative clerk will read the nomination of Jeffrey S. Bragg, of Ohio, to be Federal Insurance Administrator.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

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

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

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, is there an order for convening on Monday?

The PRESIDING OFFICER. There is an order to convene at 11 a.m. on Monday.

ORDER FOR THE RECOGNITION OF SENATOR ROBERT C. BYRD ON MONDAY

Mr. STEVENS. Mr. President, in addition to those special orders that are already entered, I ask unanimous consent that the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) be accorded a 15-minute special order in regular order on Monday morning.

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

Mr. STEVENS. Mr. President, is there anything further to come before the Senate?

RECESS UNTIL MONDAY, NOVEMBER 16, 1981, AT 11 A.M.

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 11 a.m. on Monday.

The motion was agreed to; and at 3:47 p.m. the Senate recessed until Monday, November 16, 1981, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate November 13, 1981:

THE JUDICIARY

Clyde H. Hamilton, of South Carolina, to be U.S. district judge for the district of South Carolina vice Robert F. Chapman, elevated.

CONFIRMATION

Executive nominations confirmed by the Senate November 13, 1981:

FEDERAL EMERGENCY MANAGEMENT AGENCY

Jeffrey S. Bragg, of Ohio, to be Federal Insurance Administrator, Federal Emergency Management Agency.

HOUSE OF REPRESENTATIVES—*Friday, November 13, 1981*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. DANIELSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
November 12, 1981.

I hereby designate the Honorable GEORGE E. DANIELSON to act as Speaker pro tempore on Friday, November 13, 1981.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Lord, as You accept us in compassion and forgive us by Your grace, so teach us to touch those about us with a spirit of generosity and fairness. Though disagreements and conflicts separate people, may we remember that You have created us as one people and we share the heritage of our common birth. Help us to pray and work together so that we will respect those with whom we differ and unite in our resolve to do those things that make for peace and justice for all people. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 357, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1982

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 97-329) on the resolution (H. Res. 271) providing for the consideration of the joint resolution (H.J. Res. 357) making further continuing appropriations for the fiscal year 1982, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 815, DEPARTMENT OF DEFENSE AUTHORIZATIONS ACT OF 1982

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 97-328) on the resolution (H. Res. 270) waiving certain points of order against the conference report on the bill (S. 815) to authorize appropriations for fiscal year 1982, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development test, and evaluation for the Armed Forces, to authorize appropriations for fiscal year 1982 for operations and maintenance expenses of the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for fiscal year 1982 for civil defense, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 349, AUTHORIZING PARTICIPATION OF UNITED STATES IN IMPLEMENTATION OF TREATY OF PEACE BETWEEN EGYPT AND ISRAEL

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 97-330) on the resolution (H. Res. 272) providing for the consideration of the joint resolution (H.J. Res. 349) to authorize the participation of the United States in a multinational force and observers to implement the Treaty of Peace between Egypt and Israel, which was referred to the House Calendar and ordered to be printed.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4209, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION, 1982

Mr. BENJAMIN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on 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.

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

There was no objection.

MISINTERPRETATION OF COMMISSARY FUNDING

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

Mr. DAN DANIEL. Mr. Speaker, I would like to draw the attention of my colleagues to an article written by George C. Wilson which appeared on page 1 in the Washington Post of Tuesday, November 10. This article, which described actions taken by the Senate Appropriations Subcommittee on Defense, on the fiscal year 1982 Department of Defense appropriation, plus information obtained explaining the subcommittee markup, shows it is mixing apples and oranges and proceeding on incorrect assumptions.

The subcommittee markup points out that all military commissaries and exchanges sell cigarettes for about $2 per carton below the civilian market price. They believe that by increasing the selling price of cigarettes by $2 a carton, an additional $96 million in revenues would be realized and could be used to reduce the operations and maintenance (O. & M.) appropriation by that amount.

Statutory requirements governing the operation of military commissaries, sections 4621, 9621, and 7601 of title 10, United States Code, prescribe pricing of resale merchandise or goods and method of funding. Merchandise or goods are to be sold at invoice price—that is, at cost plus a surcharge fee.

Commissary operating funds are derived from three sources: namely, direct congressional O. & M. appropriations, stock funds, and surcharge trust funds. The annual O. & M. appropriation is used to pay civilian salaries and wages and for the transportation of American products and goods to overseas stores.

Stock revolving funds, the initial working capital, are used to finance the purchase of resale merchandise. The revolving fund is replenished as goods are sold. Surcharge trust funds are used for the construction and renovation of facilities, purchase of equip-

ment, and certain expenses such as utilities and supplies. Surcharge funds are realized at the point of sale by adding 4 percent to the entire amount purchased by the patron. Thus, both the stock revolving fund and surcharge fund expenditures are earmarked for specific operating purposes.

The $96 million proposed reduction in O. & M. funds by the Senate subcommittee does not meet statutory requirements, commissary operations, and methods of specific funding. Since merchandise must be sold at cost, only the surcharge can be increased. Any additional revenue generated must be deposited in the trust fund and cannot be used to offset reductions in the O. & M. appropriations account. Thus, commissary operations would be directly reduced by $96 million, and could not be offset of any increase in surcharge funds. This, in effect, reduces the amount appropriated for civilian salaries and the transportation of goods overseas. The result can only mean the closing of commissary stores, a reduction in operating hours, and fewer goods available to our overseas forces.

The report assumes that commissaries and exchanges price cigarettes in the same manner. This is incorrect. Exchanges purchase cigarettes and all other merchandise with funds not appropriated by Congress. In the case of cigarettes, they are marked up 34 percent above cost and are generally priced to sell only 25 to 60 cents per carton below commercial prices. Any sizable increase beyond this amount would make them higher than those sold in civilian stores. The loss of sales would mean fewer profits and fewer funds available for morale, welfare, and recreation activities. Exchange profits or nonappropriated dollars are used to fund recreation activities which are not supported with taxpayer dollars.

STOCKMAN MUST GO

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

Mr. GONZALEZ. Mr. Speaker, the Director of the Office of Management and Budget has outlived his usefulness, and for the good of the country, he ought to go, and leave his task to someone who has credibility.

I said last June 16 that Stockman had turned the Office of Managment and Budget into a fib factory. Now, in the interviews he granted to the Atlantic Monthly, his lies, his cynicism are laid out for one and all to see.

When the OMB economic model predicted—accurately—what the Reagan program would do to the Federal deficit, Stockman had as easy answer: change the computer program until it came out to match his own ideas. When the Senate Republicans said they did not think the Reagan program would work, Stockman told them to have faith, that the "magic asterisk" gimmick would cover all doubts.

Stockman knew that the Reagan program was intended to take from the poor and give to the rich. In private, he called the Kemp tax bill a Trojan horse to give the appearance of tax relief to ordinary citizens, even as the vast bulk of its benefits went to the well off and, most of all, to the wealthy.

Those of us who studied the budget carefully knew all this. I, at least, called the budget and tax programs what they were—a rich man's war, a poor man's fight, in a statement I made here to the House on March 19. I asked then the precise questions that Stockman himself was asking privately—how could the Reagan program overcome its internal inconsistencies, and how could Americans fail to see its overwhelming unfairness?

Stockman hid the failings, deceived everyone about his own misgivings, changed the numbers to make his schemes workable—for to him, the only thing that counted was winning, not to create a program that would necessarily make economic sense, let alone one that would be fair to the people of this country.

If David Stockman were a principled man, he would have expressed his doubts openly. He would have refused to change data to cover up the realities of the Reagan budget. He would have insisted that the questions be resolved. He did not one of those things. He lied, he rationalized his own doubts—and now that the original doubts he had are so clearly revealed as being right, he says to us, "Have faith." Faith in what? How can we have faith in a fib factory—for that is what Mr. Stockman has been all along, a fib factory.

REAGAN TAX BILL SHOULD BE CALLED FAT TRANSPLANT ACT OF 1981

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

Mr. DORGAN of North Dakota. Mr. Speaker, I received a letter from a 92-year-old woman in North Dakota last week and she summarized very well the frustrations about economic policy in this country. She said, "It looks to me like the rich run the country and the rest of us pay the bills."

To illustrate her point, I read in the paper this morning that the provision in this year's tax bill enabling corporations to buy and sell their tax breaks may cost the Treasury $6 billion this year.

That is one of the most outrageous giveaways that has ever been written into the American Tax Code. It is exactly what the lady had in mind about who pays the bills.

President Reagan came to Washington with a good idea—to put the public sector on a diet—to cut out the fat. But he created tax laws that transfer the fat to the private sector.

The recent tax bill is a perfect example. It should be called the Fat Transplant Act of 1981. It encourages corporations to engage in the same kind of paper shuffling, the same kind of bloated bureaucratic empire building, of which the President has rightly criticized the Federal Government. Either way the citizens of this country pay for it.

We need to get back to basics, and our tax laws are a good place to start.

Today too many American executives are huddled in corners trading tax gimmicks and loopholes that have been handed to them by this administration while this country continues to lose ground in international trade.

We have developed a tax system which encourages corporate executives to draw their profits from tax loopholes rather than from the marketplace, and it is all wrong.

It seems to me that corporations should make their profits by making good products not by manipulating tax gimmicks. And I think that the administration should be more concerned about crafting a tax plan that taxes people and corporations in a manner that relates to their ability to pay, not their ability to avoid.

It is that simple, and the only people who refuse to see it are those who are building the trough of tax favors for the rich and those who are feeding from it.

FEDERAL SPENDING OUT OF CONTROL? PUT THE BLAME ON CONGRESS

(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, there is always a tendency to want to shoot the messenger rather than believe the message, particularly when we hear something we do not want to hear.

Federal spending is still out of control. Do not blame the fact on Mr. Greider or Mr. Stockman. Put the blame where it belongs. On Congress.

We in Congress can reduce the irresponsible level of spending by the Federal Government anytime we develop the courage to do so.

Cutting marginal tax rates was the right thing for Congress to do. The tax rate cuts were evenly distributed across all income groups. These tax

cuts will create tremendous pressure to reduce spending even more in order to balance the budget.

For the better part of this year I have been urging the House to adopt further budget cuts totaling some $52 billion for fiscal year 1982. Identified are 272 items where such cuts can be made.

Those in Congress who now refuse to cut spending further will have the privilege of explaining, in the election in the fall of 1982, why they are voting to keep interest rates high and stifling economic recovery.

A NEW STEEL PLANT IN OHIO

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

Mr. REGULA. Mr. Speaker, bad news seems to reach us quickly while good news too often comes to our attention more slowly if, indeed, we hear it at all. I am pleased, therefore, to report an economic happening in the 16th District of Ohio which unquestionably qualifies as good news.

The Timken Co., recognized worldwide as a leading manufacturer of roller bearings and specialty steel, has announced it will construct a $500 million steel mill complex in Stark County. Depending on the project's success, the complex could more than double in size in the years ahead.

This development has excited the people of the Canton area, home of the Timken Co., and they have contributed outstanding community support. The plant will be one of the finest facilities of its type in the world.

Timken has a long-established and well-recognized reputation as a civic-minded supporter of the community.

This project will create 800 jobs with the company plus work for more than 600 construction firm employees. Hundreds of millions of dollars will be generated locally.

Officials of the United Steelworkers of America also worked diligently to bring this project about. A new contract was ratified by an overwhelming 10-to-1 majority.

Other public and private sectors within the community also rallied behind the proposal, encouraging the company to go ahead with its plan.

The Timken story, multiplied many times throughout the Nation, can turn the country around economically, and that is good news.

REAGAN ECONOMIC POLICY BENEFITS POOR AND MINORITIES

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

Mr. DUNN. Mr. Speaker, yesterday sitting in my office I came across a 1-minute speech that was given on the floor a couple of weeks ago by my distinguished colleague from Maryland, PARREN MITCHELL, in which he asked the question, "What has the 97th Congress done for the minorities and the poor of this country?"

He then went on in graphic detail to talk about the plight of the poor and minorities over the last 25 years, and how that really had not improved.

I happen to agree with Mr. MITCHELL that it has not improved, despite the policies that he has advocated and the Members on the other side.

As to the question, what has the 97th done, we have began to change those policies around. Even though it is only 40-some days, we have begun to come up with an economic policy that will not benefit or mostly favor the rich, but the minorities and the poor, the people that will need the jobs in this country.

THE STOCKMAN QUOTATIONS YOU DIDN'T READ ABOUT

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

Mr. MICHEL. Mr. Speaker, we all know that dull truths rarely catch up with exciting half-truths, but I thought I would try to put in a little perspective the by now well-known Atlantic Monthly interview with OMB Director David Stockman.

We have all heard about or read the quotations in which Stockman says—or seems to be saying—something damaging about the President's economic policies. But we have not heard anything about other things he said during the lengthy Atlantic Monthly interview.

He said:

All kinds of decisions, made 5, 10, 15 years ago, are coming back to bite us unexpectedly.

We have not heard any Democrat quote that part of the interview.

Stockman said:

The Council of Economic Advisers in the preceding administration has been consistently wrong in the past.

We have not heard anyone quote these passages.

I wonder why?

CREDIBILITY AND THE VOA

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

Mr. LOTT. Mr. Speaker, today's Washington Post carries a front page story concerning an internal memorandum written by an administration appointee of the International Communication Agency.

This memorandum, among other things, suggests that the Voice of America should operate as a propaganda agency.

Propaganda is a word loaded with such negative connotations that it has long since ceased to be useful.

But this does not mean that VOA credibility is somehow lessened when it follows the foreign policy direction of the President.

VOA news credibility is not an end in itself, but a means toward a goal. It is a useful tool to aid the President to communicate the views of the administration around the world.

The current policy of ICA and VOA is the effective communication of U.S. policy views to persuade targeted audiences of the correctness of those views.

I cannot see what is wrong with that.

RELIGIOUS DISCRIMINATION OF SOVIET JEWRY MUST BE ENDED

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

Mr. SMITH of New Jersey. Mr. Speaker, this morning I call the attention of this body to a pressing issue, one of global proportions; an issue of tragedy, and one that is morally unjustifiable. The issue of which I speak is the continuing religious discrimination against Soviet Jews, especially in emigration, and the continued anti-Semitism that abounds in the Soviet Union today. The problem of Jewish emigration is growing rapidly, and if it continues, will lead to the effective termination of Jewish emigration completely.

Mr. Speaker, a brief look at the facts sheds light on this problem. In October of 1979, the Soviets allowed 4,746 Jews to emigrate, yet in October of 1981, they allowed just 368. The numbers speak for themselves. Overall by year, the Soviets have decreased the numbers from 51,320 in 1979 to 8,650 so far this year, with the predicted numbers for November and December keeping this figure around 10,000. It is my feelings, as well as I am sure yours also, that this august body should lodge its protest against this inexcusable action.

Yesterday I introduced two resolutions, one which calls for the President to voice the opinion of this body, as well as the country, that the religious discrimination of Soviet Jewry be ended; and the second calls for the release of one particular individual who is being persecuted, Yuli Kosharovsky.

House Concurrent Resolution 219 calls upon the Union of Soviet Socialist Republics to end the current policies of Jewish emigration descrimination and anti-Semitism. This resolu-

tion has been referred to the House Committee on Foreign Affairs.

House Resolution 269 calls upon the Union of Soviet Socialist Republics to permit the emigration of Yuli Kosharovsky and his immediate family to Israel. This legislation has also been referred to the House Committee on Foreign Affairs.

I am submitting the language of both of these bills to the House of Representatives and include them in the CONGRESSIONAL RECORD:

H. CON. RES. 219

Whereas, the government of the U.S.S.R. has decreased Jewish emigration significantly and nearly completely, and continues to maintain this form of discrimination based upon religion;

Whereas, under the current policy, the government of the U.S.S.R. has reduced the number of Jews allowed to emigrate from a high or 4,746 in October 1979, to the present figure of 368 in October 1981, the lowest amount since emigration began;

Whereas, 260,000 Jews have been allowed to emigrate in the last twelve years, over one half million Jews have filed for emigration in the same time period;

Whereas, the government of the U.S.S.R. is implementing a policy of exiling Hebrew teachers, banning Jewish education programs, and confiscating books, as well as sacred and religious articles;

Whereas, the press of the U.S.S.R. is implementing a policy of disseminating anti-Semitic propaganda to the peoples of the U.S.S.R., which is designed to hinder Jewish heritage and terminate traditional religious practices;

Whereas, within the past four months, more arrests of Soviet Jews have taken place than in the last four years, underscoring the policy of increasing discrimination, as well as the declining emigration figures, in the U.S.S.R.: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the policies of Jewish emigration discrimination and anti-Semitism are morally reprehensible, and that the President, at every opportunity and in the strongest terms, should express to the Government of the U.S.S.R. the opposition of the United States to these reprehensible policies, and that the restrictions on the emigration of Soviet Jews be removed.

H. RES. 269

Whereas Yuli Kosharovsky lost his job as a radio electronics engineer when his employers found out his wish to emigrate to Israel, forcing him to support his family by taking odd jobs since April of 1971; and

Whereas Yuli Kosharovsky is one of Moscow's leading Hebrew teachers, having a regular class of over thirty students, and, since 1975, has been teaching a seminar for unemployed engineers—unemployed only because of their desire to leave the Soviet Union for Israel; and

Whereas Yuli Kosharovsky has been threatened with imprisonment by the KGB if he continued to conduct these seminars, which he courageously has; and

Whereas Yuli Kosharovsky's wife, Inna Kosharovsky, studied Mathematics at Moscow State University, but has been unable to find a job within her field because of her wish to emigrate; and

Whereas Yuli Kosharovsky's fourteen-year-old son, Mikhail Kosharovsky, has been the constant target of bullying by his classmates, being called "dirty Jew" by them on several occasions; and

Whereas Yuli Kosharovsky and his family have been the constant target of harassment by their community; and

Whereas the situation of the Yuli Kosharovsky is becoming rapidly more severe after the recent raid on the Kosharovsky home by KGB officials, in which Yuli Kosharovsky's typewriter and teaching materials were confiscated; and

Whereas there is a significant difference between dissidents and Jewish activists in the Soviet Union, as dissidents are people who are trying to change the internal structure of the Soviet Union, whereas the Jewish activists are only trying to leave the Soviet Union; and

Whereas these rights are guaranteed to the Soviet Jews under the Soviet constitution; and

Whereas such persecution of Yuli Kosharovsky and his family is in direct violation of the commitments to freedom of thought, conscience, expression of religion, and emigration made by the Soviet Union through its adoption of and/or participation as a signatory to the United Nations International Covenant on Civil and Political Rights, the Final Act on the Conference on Security and Cooperation in Europe, the Charter of the United Nations, and the Universal Declaration of Human Rights; and

Whereas Yuli Kosharovsky and his family continue to live in the Soviet Union in constant fear of their lives: Now, therefore, be it

Resolved, That the House of Representatives hereby condemns the treatment of Yuli Kosharovsky and his immediate family by the Government of the Soviet Union.

SEC. 2. It is the sense of the House that:

(1) the President of the United States should express to the Government of the Soviet Union the deep concern and opposition of the United States with respect to the refusal to permit the emigration of Yuli Kosharovsky and his family to Israel;

(2) the Government of the Soviet Union should comply with its commitments under the United Nations International Covenant on Civil and Political Rights, the Final Act of the Conference on Security and Cooperation in Europe, the Charter of the United Nations, the Universal Declaration of Human Rights, and the Constitution of the Union of Soviet Socialist Republics, by permitting Yuli Kosharovsky, his wife, Inna, and their son, Mikhail, to emigrate to Israel; and

(3) the Government of the Soviet Union should immediately cease its persecution of individuals seeking to emigrate from the Soviet Union, and its denial on basic religious, civil and human rights to the Jews living in the Soviet Union.

SEC. 3. The Clerk of the House shall transmit copies of this resolution to the Soviet Ambassador to the United States, to the Chairman of the Presidium of the Supreme Soviet, and to Mr. Yuli Kosharovsky.

Thank you for your consideration of these resolutions, both of which are vital to the Soviet Jews, and important to all people who seek to protect fundamental human rights.

PRESIDENT SHOULD WAIVE RULES ON MEDICAID FOR EVERYBODY: HELP ALL THE KATIES OF AMERICA

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

● Mr. WAXMAN. Mr. Speaker, the press reported this morning that the President has waived the rules so that Katie Beckett, the disabled child he talked about in his press conference on Wednesday, can go home and still get her medicaid benefits. I am delighted that Katie will be able to rejoin her family and receive the care she needs at home. I wish her and her family all the best.

But I find it offensive that it requires a personal waiver by the President of the United States to take care of the needs of this child. I am announcing today that I will introduce legislation to extend these same benefits to all the Katies of America.

I think my colleagues would be interested to know that there are 160,000 disabled children on medicaid now. While their situation might not be exactly like Katie's I am sure that 10,000 to 20,000 of them could benefit from the change the President made for Katie today.

I share the President's concern that our programs rely too heavily on institutional care. But I find it more than ironic that, while the President is reaching out to this family with great media fanfare, the President is pursuing policies that will destroy the medicaid program—making it much more difficult for low-income children to receive the medical care they need.

In the same reckless fashion, the administration's AFDC cutbacks are stripping hundreds of thousands of working poor mothers and children of their medicaid coverage making them choose between working—and losing their medicaid coverage—and welfare—with less money, but continued medicaid coverage. The loss of this protection, particularly in the prenatal care situation, can only lead to unnecessary suffering, permanent disability and retardation, and increased Government outlays.

It is tragic that the President does not see the conflict between his actions in this one special case and his savage program cuts, which will deny needed care to millions of equally deserving children and families. The special consideration that the Federal Government has shown to Katie Beckett and her family should be made available to all children and families in similar circumstances. My legislation will do that. I am asking the administration to support it and to work actively for its passage.●

□ 1215

DOUBLE EAGLE V

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

Mr. CLAUSEN. Mr. Speaker, last night at approximately 10:30 p.s.t. The first successful transpacific balloon flight was completed when the four crewman of *Double Eagle V* brought their balloon down in the Redwood Empire near Covelo, Round Valley, Calif.

The 400,000 cubic foot, helium-filled balloon was launched early Monday from the Japanese city of Nagashima on its historic 6,000-mile trip across the Pacific Ocean. This flight has captured the imagination of the American people. That pioneer spirit which made America great is very much alive—a pioneer spirit reminiscent of the Lindbergh flight made just over half a century ago.

As was the case with Lindbergh's *Spirit of St. Louis* the spirit of *Double Eagle V* has lifted the spirit of America at a time when it really needs an uplift. This spirit of adventure and risk-taking is the same pioneering spirit that built America.

Mr. Speaker, I believe it is appropriate that these brave balloonists' first sight of land was Cape Mendocino—the most westerly point of land in the lower 48 States. As Representative of the Second Congressional District of California and as a fellow aviator, I would like to welcome and congratulate each of the four crewmen and their families, of *Double Eagle V* for this truly momentous flight.

DAVID STOCKMAN TOLD THE TRUTH

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

Mr. FOWLER. Mr. Speaker, we in the U.S. Congress are not in the business of selling magazines, but in the spirit of bipartisanship which I think ought to prevail in this body, I rise in support of the words of the distinguished minority leader, the gentleman from Illinois (Mr. MICHEL), in urging all Americans to buy and read the full article in the Atlantic Monthly magazine. I also want to support the President of the United States for having the courage to continue in office a man who told the truth.

David Stockman told the truth about supply side economics, he told the truth in anticipating the budget deficits that we now see, and he told the truth about foreseeing high interest rates.

Mr. Speaker, it is only a shame that the truth was not printed in the March or April issue of the Atlantic Monthly rather than waiting until nearly December, when we have all seen and we all feel the effects of the truth that Mr. Stockman foresaw 6 months ago.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, November 12, 1981:

S. 1322. An act to designate the U.S. Department of Agriculture Boll Weevil Research Laboratory Building, located adjacent to the campus of Mississippi State University, Starkville, Miss., as the "Robey Wentworth Harned Laboratory" to extend the delay in making any adjustment in the price support level for milk; and to extend the time for conducting the referenda with respect to the national marketing quotas for wheat and upland cotton.

ADJOURNMENT TO MONDAY, NOVEMBER 16, 1981

Mr. FOWLER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

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

There was no objection.

DE LUGO INTRODUCES CHARTER BOAT DEREGULATION ACT

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

Mr. DE LUGO. Mr. Speaker, President Reagan has made it very clear that his administration is devoted to getting the Federal Government "off of the backs of the American people" wherever possible. One way he intends to accomplish this goal is by eliminating any Federal rule, regulation, or statute that allegedly serves no purpose except to inconvenience the public.

I agree wholeheartedly with the President. If a rule, regulation, or public law is useless, it should be erased from the books.

Today, therefore, I am introducing legislation that will, in fact, remove some burdensome and useless customs reporting requirements that have become a major nuisance to the charter boat industry in the U.S. Virgin Islands. Passage of my bill will eliminate this nuisance and save the Federal Government time and money—a goal that we all certainly share these days.

The charter boat industry in the Virgin Islands is, for obvious reasons, very extensive and contributes significantly to the growth and well-being of our local economy. Each year thousands of visitors lease or rent these vessels, for various periods of time, to take advantage of the many recreational activities afforded by our clear tropical waters and impeccable weather. Those tourist dollars, in turn, are recirculated into our local economy.

On many occasions, these charter boats make excursions into the nearby waters belonging to the British Virgin Islands. At certain points these waters are a mere quarter of a mile away from ports in the U.S. Virgin Islands.

Whenever such an excursion is anticipated, a member of the crew is required to physically report to the local customs office before leaving port to complete a vast array of paperwork. The only purpose served by this paperwork is to compile statistics on how many people use the charter boat services. Meanwhile, the vessels are rarely—if ever—inspected.

Upon returning from the waters of the British Virgin Islands, the same procedure is repeated—even if, for example, the craft had dropped anchor and spent just 1 hour to scuba dive.

I believe that these reporting requirements are a waste of valuable time and money—both for the charter boat users who do not want to spend precious time stuck in port, and for the local customs officials who have more important matters to attend to than collecting useless paperwork.

But wait. The story does not stop here.

Sometimes the charter boats will return to the U.S. Virgin Islands on a weekday or a Saturday after 5 p.m., or on a Sunday. At these times, the customs office is closed. So what happens? Believe it or not, the captain of the charter boat has to try to track down one of the customs officials to check in and fill out the required paperwork. To add insult to injury, the captain is required to reimburse the Federal Government for the overtime costs incurred in making the customs officials work after hours.

There is one final irony.

Owners of private yachts who wish to venture into the waters of the British Virgin Islands do not have to go through the same laborious reporting procedures as charter boat users. The yacht owner merely has to telephone the customs office 24 hours after returning if he or she has on board any article required by law to be examined by customs.

Mr. Speaker, I believe the Congress should rectify this ludicrous situation. The customs office in the Virgin Islands is already understaffed and overworked. Surely, they have better things to do than accumulate useless paperwork and be disturbed during their hours off. My bill would eliminate the reporting requirement for charter boats and extend to them the same convenience that is now extended to private yacht owners, that

is, they would merely have to call within 24 hours upon returning to ascertain if customs wishes to inspect the vessel.

This is a simple measure that, in these days of fiscal austerity and deregulation fever, is highly apropos. It would save customs precious time and dollars. And it would eliminate an unnecessary and burdensome bureaucratic nuisance.

THE UNIQUE CHARACTERISTICS OF THE FEDERAL RESERVE BOARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, once before I addressed the House with respect to the introduction of an impeachment resolution that I prepared directed to the Chairman of the Federal Reserve Board, Paul Volcker, and a subsequent resolution of impeachment directed to the Open Market Committee of the Federal Reserve Board, which in effect means all 12 members. As the Members know, the Open Market Committee consists of five private bankers, nonmembers of the Board, and all of the seven members of the Board.

At the time of introduction of those resolutions, I had personally advised Mr. Volcker during the course of a hearing before the Committee on Banking, Finance and Urban Affairs, that his appearance then, being in pursuance of a resolution that I had co-authored several years ago, was long overdue and belated and was an expression on the part of the Congress to bring some accountability from this runaway junta known as the Federal Reserve Board. And what was involved was a so-called quarterly report on the monetary conditions and policies of the Federal Reserve Board by way of a general report in view of the passage of the then so-called Humphrey-Hawkins Act.

When the Chairman had come in, in obedience to that act, from the Federal Reserve Board, there was shown as usual a sort of arrogance and condescension, as if to say, "Well, we are here, not that we want to be here or not that we see any need for it, but because of some silly congressional notion that we are not fully independent and that we have some kind of accountability to give to the Congress."

In the 20 years that I have served on this committee, which has, of course, the direct jurisdictional overview power over such entities as the Federal Reserve Board, I have not known of one time that the Federal Reserve Board, either through individual members or its chairmen, has ever recognized any kind of responsiblity to account to either the Congress or the President for its policies, the formulation of its policies, the reasons therefor, or even a mechanism for and the procedures followed in arriving at policy judgment decisions. Then, most importantly of all, there has been no accounting for the administration in the carrying out of such policies and even such practices as the actions of the Open Market Committee.

I know that this area or subject matter is very, very difficult to get the interest of either our colleagues in the Congress or the general public. It is considered a dry-as-dust subject matter, and, therefore, the tremendous connection between the economic fate of the country, what we call the American standard of living, and the policies dictated by this Board is lost sight of and very seldom even analyzed at all, even by such committees as the one to which I have the honor to belong that have direct jurisdictional responsibilities or the one that is the counterpart of my committee in the Senate.

Therefore, some very fundamental truths have also been either overlooked or not generally known at all, and among them is the fact that we are the only country in the world or, for that matter, in the industrialized world, whether European or Japan, that conducts its monetary matters in the fashion that we do, in effect meaning that the Congress has not only delegated powers but abdicated its prime constitutional responsibility. The fact is that the coinage of money and the actual setting of monetary policy is entrusted only and specifically to the Congress by the Constitution. Historically, there are very, very good reasons, as brought out during the debates of the Constitutional Convention before the adoption of the Constitution in 1789, for that being the case.

When the Congress enacted the Federal Reserve Act of 1913, it gave birth to what we now call roughly or in general terms a central bank of the United States or the Federal Reserve Board, but it is one which cannot in any real sense at all be compared to the actual central banks of the other industrialized nations. It is roughly the equivalent only because there is no question that the Federal Reserve Board is the agency that has not only the power but has arrogated ungiven power to dictate the monetary and fiscal policies of this country, and that has determined the fate and the economic well-being or "not well-being" of the country.

Other countries have accountability. In our country the Federal Reserve Board, which, as I have said, has either arrogated to itself or usurped the power or is attempting to express what it considered to be a delegation of power from the country, is really accountable to nobody, and, therefore, the American people do not have any kind of accountability either through its elected officials, the Congress, or the executive branch, the Presidency.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I am delighted to yield to the gentleman from North Dakota.

□ 1230

Mr. DORGAN of North Dakota. First, let me say that I think the gentleman is providing a real service by discussing this issue. It is an issue that the House of Representatives seems more interested in ignoring than facing. I think it is time for this House to turn back and start analyzing the kinds of issues that the late Honorable Wright Patman, talked about for 30 years in this House. And that is the structure of the Federal Reserve Board.

I introduced a piece of legislation that I call "the Paul Volcker Retirement Act." I did that early in this Congress. I did not do it so much to focus on the Chairman of the Federal Reserve Board as a person as to talk about the institution of the Federal Reserve Board, and the inability of the people of this country who are in a governing position to deal with monetary policy as long as we have a Federal Reserve Board that is completely and thoroughly independent.

I went back and read the things that have been written about the creation of the Federal Reserve Board. President Wilson, the Democrats and the Republicans in Congress said, "We thought we ought to have a Federal Reserve Board to try to stop and try to monitor some of these cantankerous practices of some of the local banks out there in the country, but we sure do not want to be creating with this Federal Reserve Board a strong independent bank."

Here we are, 70 years later, and what we have is a strong independent bank accountable to no one. Federal Reserve Board members are appointed for a 14-year term; they are not accountable to the President; they are not accountable to the Congress. They develop monetary policy at their own time, in their own ways, and, consequently, we come to a point in our history at which fiscal policy and monetary policy collide. They are not united in a combined strategy that makes much sense for the future of this country.

We are told that high interest rates today are part of an economic solution. In fact, it is part of the economic problem. Some say, "Use fiscal policy, cut spending, cut taxes, and that will add up to a balanced budget." It does not, but that is the current fiscal policy strategy. It is all based upon supply-side economics, which means you need explosive bursts of economic

growth to enable supply-side economics to work.

On the other hand, you have monetary policy, which is policy guaranteed to try and retard economic growth in the country. That is why we have moved into a recession. Monetary policy is designed to retard economic growth.

So we have, on the one hand, fiscal policy, which requires economic growth and substantial amounts of it to work, and, on the other hand, we have monetary policy that retards economic growth and throws the country into a recession.

It is the most schizophrenic kind of economic policy that I have ever heard of in my life. There are people in town who believe that somehow it will work. It will not work. It is economic faith healing. It is wishbone economics. It simply is not based on economic logic at all.

I want to say to the gentleman that his discussion of the structure of the Federal Reserve Board is extraordinarily productive, because that is what we need to be discussing today in Congress.

Tax cuts do not mean anything to a main street business person who is not earning a profit because he is paying 20-percent interest rates. You give him a tax cut, and it does not mean a thing. The fact is, you only pay taxes if you earn a profit. I do not know of many main street businesses in this country which are earning profits by having to pay 18 or 20 percent interest rates on the capital they need to operate their business. That just is not happening.

So we are addressing the wrong thing. It is like mowing your lawn while your house is burning. The interest rates represent the burning house, and we have to deal with interest rates in a structural way. That gets right back to the issue the gentleman is talking about: What ought the Federal Reserve Board's role be in this Government?

Should it be an independent role capable of creating a strategy of monetary policy that is inconsistent with the fiscal policy strategy? Of course not. That is not a reasonable approach. I think it is time people in the Congress begin realizing that this contradictory strategy of monetary and fiscal policy is not logical and will not work.

In conclusion—and I appreciate the gentleman allowing me the time to visit about interest rates and monetary policy—I would like to say further that the Federal Reserve Board has put us in a position of starving the most productive sector of the American economy. We starve from a credit standpoint the small business and the family farms and, at the same time, Mobil Oil Co. is out there getting $5, $6 billion worth of credit to try to buy Conoco. Now they are gobbling up credit to try to buy Marathon Oil. There is not one new job created from that kind of activity. There is no new productivity created from that kind of activity. It is a completely useless and inefficient economic activity in this country.

The most productive segment of our economy is being starved, and we are rewarding the least productive for the purposes of acquisition and concentration of corporate power; chipping away at the free enterprise system. None of that makes any sense.

So we do need a more coherent monetary strategy so that the folks in this country who need credit to build productive small businesses with, to create new jobs with, get that kind of credit, only then can they have the kind of business that prospers and grows along with the economy of this country.

I do not think the President is solely to blame for the interest rates. Obviously, the Federal Reserve Board develops monetary policy. But the fact is that the President has supported this monetary policy. He has said so time and time and time again.

I heard some colleagues on the floor of this House just the other day talking about how this program is working. "This program is working," they say. Well, if this program is working, the *Hindenburg* is still trying to park and the *Titanic* is still sailing.

The fact is, this program is not working. It has only been in force 40 or 50 days, but already we have seen the estimates change on the expected fiscal year 1982 deficit from $42 billion to upward of $80 billion. The fact is, it will not work because we have inconsistent monetary and fiscal policies. We have to get it straightened out. But even more importantly, we have to address the long-term structure of the Federal Reserve Board. That is why I think the gentleman is dead right. I have not put my name to the current resolution the gentleman is speaking about, but I have several bills of my own in and several resolutions in on the Federal Reserve Board. I commend the gentleman for bringing this to the attention of the House day after day after day. As more people begin to understand that tight money is the problem, not the solution, then we will begin dealing with that problem and create better economic solutions for the people of this country that really work.

I thank the gentleman.

Mr. GONZALEZ. Mr. Speaker, I, in turn, wish to thank the distinguished gentleman and say that he is absolutely correct. I have introduced some bills, two bills, one that would call for the abolition of the Open Market Committee and two additional bills that have to do with restructuring the Federal Reserve. One would abolish the Federal Reserve as it is now and bring it under the jurisdiction of the Department of the Treasury, where it ought to be anyway; and the other would modify it along the lines suggested by the gentleman's bill that I am familiar with and on which I am certainly in agreement. But the impeachment process I use because I think it is the only way that we can help perhaps bring about a change in sufficient time to avoid the total catastrophe that faces us. We are on the precipice. There is no question of that in my mind. I know so. I have traveled around the country. I have had the Subcommittee on Housing and Urban Affairs, which I happen to have the honor of chairing, holding hearings throughout the country. We may kid ourselves here in these marble hall environments, but the people are not fooled. The people know. And everyone of us has heard the plain people say, "Hey, look, what is Congress going to do about this?"

All this fancy talk, both by the President as well as by the Congress in the past, where we have said, "Oh, well, the Feds do this, they are independent. It is not our fault, we cannot do anything about it." And the administration says, "Oh, well, we wish we could change it, but the Feds are doing it." Of course, as the gentleman has reminded us, this administration has seconded, it has affirmed, it has backed the disastrous continued course that Volcker's chairmanship and the present Federal Reserve Board has embarked upon, and it is just a case of upward failure. It looks as if we are not following the old American tradition, and that is that if something is not working, we fix it and make it work. We do not keep trying to reward failure, and if anybody says that the continued Federal Reserve Board of the last few years is a success, then certainly they have a different definition of the word "success" than what I understand the dictionary defines it.

So I in turn wish to thank the gentleman for his contribution and hope that, together, we can engender sufficient interest in order to at least, from the policymaking level, which is the Congress, bring attention. I am presently trying to get the chairman of the full committee to give us some hearings on our bills calling for the restructuring. This is long overdue. Even if you forget about impeachment, even if you forget about success or failure of Fed boards, there is no question that the Congress has postponed the restructuring of the Federal Reserve system too long, and at great risk of catastrophe now for the entire Nation.

Mr. DORGAN of North Dakota. To further state the point I was trying to make before, the gentleman, I think has reiterated that interest rates are

seen by many as some mysterious force that Congress is not prepared to deal with.

Mr. GONZALEZ. Oh, they put on as if it is an act of God, you know. "Oh, listen, it is an act of God; nobody can do anything about it, it is just too bad."

Some say "Oh, if you dismantle the Federal Government, interest rates will go down. Oh, once you get inflation under control * * *."

Well, I wish that were correct. But all history shows otherwise, all recorded experience. Under the present circumstances, how in the world, as the gentleman has well brought out, can you assess what program you must develop, what actions must be formulated and taken in order to resolve the problem of inflation, say, if you are either ignorant of or ignore the causes for the peculiar kind of inflation that flagellates us today? This the reason why I could not support, either, Jimmy Carter's so-called energy program, because he did the same thing. He was not taking into consideration the prime cause, which was OPEC, and what to do about that; but, rather, trying to do it unilaterally by control of consumption, through price or taxation, when the European experience clearly has shown us that increase in price from $1 to almost $3 has not reduced consumption. It just meant that the rich ride and the poor walk. That is all.

Mr. DORGAN of North Dakota. Another point that I think should be made here is that those same folks who talk about the free market system talk about it with respect to interest rates, and the fact is that interest rates today are not set in the free market. Historically, interest rates represent a price for money that is about 3 percentage points above the inflation rate. Today that would make interest rates somewhere around 12, 13, or 14 percent. But they are not 12 or 13 or 14 percent. They have been 20 percent. Why? Because the Federal Reserve Board is artificially manipulating the supply of money.

Mr. GONZALEZ. That is right.

Mr. DORGAN of North Dakota. And they are doing it in a way which I think is very detrimental to the people in this country who really count, the people who produce the jobs, the people who create the innovations, the small business sector, the family farmer, and that is what worries me.

I might also just add that the gentleman, coming from Texas, remembers well back in the 1960's when McChesney Martin was Chairman of the Federal Reserve Board. I recall that there was a debate all summer long in Washington over whether or not we were going to increase the prime rate one-half of 1 percent. President Johnson put his arms around McChesney Martin down there at the ranch in Austin, Tex., and the Congress debated it for 3 months. Today interest rates go up and down one-half or 1 percent in 1 day or 2 days or a week and nobody seems to notice or care much because, they say, it represents a free market. That is just nonsense. This so-called free market—which in reality is Federal Reserve Board manipulation—is driving a whole lot of folks out of business, and a tax cut is not going to help somebody who has a failing business because they could not afford to pay the interest rates.

Mr. GONZALEZ. That is right.

The so-called long-range solution is no satisfaction to the business that is confronted with bankruptcy and extinction today. That is the problem.

Mr. DORGAN of North Dakota. Your solution will be called radical; that is, a whole series of solutions that deal with structure of the Federal Reserve Board will be called radical because the institutions in this town and in this Government say that you do not move very quickly on these kinds of issues. But the fact is, we have been debating this issue for 30 years.

Let me just leave you with a quote from one of my favorite politicians. He said: "That which is right has always been called radical by those who have a vested interest in that which is wrong."

Despite the fact that these kinds of approaches are called radical, they are right. It is time now to start talking in real ways about the structure of the Federal Reserve Board, to finally help restore some economic health to this country.

Mr. GONZALEZ. I thank the gentleman for his comments. That is the whole issue here of accountability. As a matter of fact, I referred a while ago to the Federal Reserve Board as short of a junta. Mr. Stockman, to me, represents no more than the fact that he finally had enough, his conscience bothered him enough, and he talked out. But with this Cosa Nostra, we cannot even get them to come before us hooded and their faces covered, like the Mafiosos have at least done before some congressional committees. This Cosa Nostra, the Federal Reserve Board, is another tough hombre. It is a different proposition.

Now, it is accountability, of course. I have been a member of the Banking Committee, as I said, for 20 years. Not one time can I remember any Federal Reserve Board or Chairman coming before us to give us a report on their transactions, on the reasons for their actions, on their policymaking procedures.

□ 1245

Do they have a policy, for instance, to sort of patrol themselves, govern themselves, protect themselves, say, from improper leaks from the proceedings of the so-called open market committee, which is not open, it is secret. We do not know.

I do not know at any time that the Federal Reserve Board has ever wanted to tell us.

I am also the ranking member of the Subcommittee on Oversight and Renegotiation of this committee and we have on my instigation had some hearings before us and we brought some of the regulatory heads such as the Home Loan Bank Board Chairman, its counterpart with the savings industry, and also the Federal Reserve, in an attempt to get GAO—GAO was flat turned down.

Now as you know, the General Accounting Office is the only arm that the Congress has to overview the executive branch. It is the only thing we have.

They came back to us and said, "We are sorry. We tried to get you the information." We were trying to find out what is the extent of the problem that seems to be emerging with respect to not only commercial banks but savings banks and institutions, and they were sort of hesitant and just plumb refused to even tell us, well, how many do you have on your so-called list of troubled institutions.

Some of us had already had word from some of the affected and troubled institutions. We now know as we knew then that there was trouble but you could never get it from the regulatory authorities. Then what do you have, the Comptroller of the Currency as the main officer of the commercial banking system. Well, that is so independent of the Congress that when Wright Patman tried to get the Director of that Agency to come before us some 15 years ago, 14 years ago, he just plumb told us that he was not accountable. Why? Because he is not receiving appropriated funds from the Congress to carry out the business of the Comptroller's office, the Comptroller of the Currency. The Comptroller of the Currency is funded by the banks through their fee payments for examinations, for example.

Now, what more of a turning over of this power to the directly interested vested interests can you have anywhere under the sun than that which we have done in the United States of America.

We have turned over the coinage of the money through our fractional currency. We have in effect allowed the banks to manufacture money. They talk about printing press money, meaning Congress and the Government. That is not the issue. It is the banks' manufacture of money that is at issue with no accountability, with no restraint.

Why should we be shocked now that Americans are being flagellated and being punished and business being driven out of existence? Should we be

surprised when we have turned over to those interests the control thereof. Even in ancient times it was illegal. Even in the oldest written annals of mankind or historical accounts, the last Jewish king in the old system, and his edict against usury, or even the payment of interest on loans.

It must have been troubling then and all through history it has been illegal. Since when has it been legal to have 21, 22, 20 percent rates of interest?

Any American today, businessman or individual, if he goes to his bank anywhere in the United States today and says, "I want to borrow $15,000," in the case of a businessman, "for my inventory," in the case of a private citizen to save his home, "for 90 days," he will have to pay no less than 21 percent right now.

Since when has that become the custom of the land and allowable and permissible? It ought to be out of the pale of the law and the Congress makes the laws. How in the world can the fundamental system that we have developed first and foremostly in the world, mass production, based on mass consumption, in turn based on that remarkable engine known as consumer credit, how can it survive at anything even over 10 percent? It is impossible.

The fate has been decreed and already this year we have 47½ percent more business bankruptcy thus far this year than was the case previous or last year. What are we waiting on? I think I know.

Now in the meanwhile I have done the best I know how. I know it sounds bombastic. I have been in this before. In 1957, in my freshman semester, in the Texas State Senate, I filibustered the race bills, the massive kit of resistance bill that emanated from Virginia and went down through the Confederate States. It was the only State legislature in the Old South they were even debated. All 16 bills in the Arkansas Senate were passed in 16 minutes. Only in the Texas Senate were they not only debated, we filibustered them for over 26 hours. We took the floor and defeated 14 of the 16.

Well, the first time was not too bad because it kind of attracted attention. It was sort of a curiosity. Then came Little Rock in September of 1957 and the troops, and the Governor of Texas then convened a special session, in order to pass what he called the anti-troop bill, to keep the bayonets from the necks of our schoolchildren.

Well, whereas in May, we had moral support, in September I had a pistol toting pistolero from east Texas, a white citizen's council come over and gave me the message, maybe we had better not do the same thing in the special session, and I did. It is true, I did not get any support then from any other Senator. It was not funny then.

But did I did not do it because I thought it was heroic or bombastic. I did it for the same reason I am getting up here today, because I took an oath of office. I feel very privileged in a democracy such as ours, and I pray to God we keep it—what greater honor, reward, could any man or woman receive than being elected to an office of public trust in which a fundamental oath is taken, whether it is a State, city, or national level, and that is to uphold the Constitution of the United States.

As I said then, if I had done it because I thought it was politically advantageous, I would have been very, very ignorant and amateurish, as I have been in politics. I would have been worse than amateur, I would have been stupid because my constituency which then represented the entire county of Bexar, has only 7½ percent Texans or Americans of black descent—and I certainly could not say I was speaking for them. I said so on the Senate floor. I said I do not see any black Member in the Senate and I do not see any in the House of Representatives then and there were none—I said that does not make any difference, if there were only one or it were any other individual that this legislation addressed itself to, I feel that I have betrayed my oath if I did not get up and fight it every inch of the way, and that was the only reason. And what happened?

All the experts said you have committed political suicide. When I got back home the worst critics I had came from the group I emerged from, which is supposed to be an ethnic minority, who said, "Why, Henry is crazy. He is putting us in there with the blacks." Because remember at that time you had Jim Crow laws against the blacks. You did not have them against the Mexican Americans. I had the worst critics from the group that I am supposed to come from.

Maybe politically some of these critics might have been right. All I know the people did not respond that way.

Because, the average American, I have said this before on the floor, contrary to this grievous notion that has gotten out that America is a racist society—it is a grievous sin against the American people. It is not true, if that were the case I would not be here and I would not have been elected to the Senate in 1956 at all. It is not true.

The average American whether he is black or brown or white or blue wants the same thing that we all want, no more, no less.

Of course you have exceptions in every group. That is true for everybody. What I am saying is it is the same issue here now. Impeachment is the only way that I think the Congress can bring the attention it needs at this point for accountability. There is not accountability. There is no man in this Congress who can tell me, unless he has been told in secret and has not divulged it, exactly how it is the Federal Reserve makes policy or why, or what its reasons are or what it does to supervise its own self.

And so, today, I have asked the GAO to do two things for me—one—to go in and find out and tell me the Federal Reserve indeed in fact has such a policy. Do they have an Inspector General, for example. Who knows? We have not been told.

What are their policies?

Second, I want to know about what was reported a couple of years ago, and that is, that there has been indeed and in fact a leak from the open market committee, that had resulted in an advantageous grasping of millions of dollars by special interests in the New York financial world.

All I know is that the Federal Reserve Board did appoint a special committee. Now what happened? Who was on the committee? What did they do? What did they find out? What were the results? I want GAO to tell me and find out and let us know in Congress.

But in the meanwhile, I have also written a letter to the Honorable PETER W. RODINO, JR., chairman of the Judiciary Committee.

The letter says:

As you know, I have introduced a resolution calling for the impeachment of Paul A. Volcker, Chairman of the Federal Reserve Board. This is to request that you set this matter down at the earliest possible time for public hearings.

I believe that Chairman Volcker is guilty of committing the most grave abuses of governmental power, subverting our system of government, and that he is unfit to continue in public office. He has systematically defied and obstructed congressional efforts to monitor, review and oversee monetary policy. He has thereby made it impossible for Congress to fulfill its legislative responsibilities with respect to economic policy.

Now, I had two Members since then join me in this resolution, voluntarily. I have not circulated a "Dear Colleague" letter. As I do in the case of my own family I never involve them in my fights. I am always welcoming volunteers. But I do not try to conscript anybody.

I intend to follow this and find out if I am going to get serious attention from this committee, because I certainly will pursue the matter and, therefore, I am seeking the GAO to bring me some of this information, which I think will clearly bear out how derelict we in the Congress have been in our responsibility of overviewing the actions, the policies and formulation thereof of this all important committee and Board.

Now, of course, it is a creature of Congress. The Federal Reserve Board did not spring from the brow of the Greek god—it is a creature of a legislative effort by the Congress. In reading the memoirs of Carter Glass, then

Senator from Virginia, and the main author of the act, in reading the proceedings in the Congress, and in reading the utterances of President Wilson with respect thereto, I will bear witness to corroborate what the gentleman who joined me a while ago said. It never was intended any more than the Reorganizational Act of 1947 and in reorganizing the Defense Department was intended to be sacred script and fixed in immutable law. It was being looked forward to being changed and revised and overviewed from time to time.

□ 1300

Instead, what we have done is that we have turned the fate of the Government over to unelected, unresponsible, unaccountable, powerful men, the handmaidens of the most special powerful interests in the world.

The Federal Reserve Board is ostensibly responsive to about 14,000 commercial banks directly, but in truth and in effect it serves only at the bidding and at the pressure of about seven of the giant mammoth institutions, international in scope today, where they can transcend easily the policy of the Government.

This brings to mind the other area that the Congress has failed to address itself to even indirectly, and that is that no matter what we do domestically, no matter how much we put in order our own house, we still have to find ways and means of reducing the impact, adverse in some cases, of those international forces now that impinge upon us.

The world is smaller and contracted and interdependent, and even such things, for example, as the gold question, the sale of wheat to Russia and predicated, incidentally, on payment in gold equivalent, and whether we do or do not all have an impact; but the most desperate thing of all is how our administrations including this present one, have failed to address itself.

Recently, in September we had the last annual meeting of the International Monetary Fund. I thought it was a brilliant opportunity for this new President to assert American leadership, which past administrations have not, to try to safeguard a collapse worldwide, which I feel is imminent, caused by us, incidentally, but to which we have these contributing factors internationally.

I have had no kind of reaction from the men in charge of monetary policy, either the deputy assistant secretary for monetary affairs of the Treasury and the last three sets of them since 1978 when President Carter went to Bonn to the Economic Summit Meeting there and I think very irresponsibly accepted the German proposal, which was accepted by the European Common Market and the development of EMS, the European Monetary System, and the EMF, the European Monetary Fund, and predicated upon their own interagreements based on gold transactions and the hard-headed insistence on the part of our money managers going back to Secretary Simon and actually following the false goddess of the gold speculators, to which we now are being impaled, we are being impaled on that sacrificial altar for that reason.

We have missed opportunities to assert the last vestiges of the possibility of a potential for American leadership and instead of that what we have had, we should not be surprised at our defense. If we do not take care of what is imminent in terms of mere collapse, that is, our monetary system, you can forget all, no matter how you feel, about defense. What good does it do to try to think and conjure up elaborate defense systems if the dollar is no good?

When we have so-called allies that are threatening now to even sort of disassociate themselves in defense matters, you can rest assured that it is just an epilog. It follows what they have already told us where they are on financial matters. They clearly have shown that and the whole thrust of the formation of EMS and EMF in 1978 was against and was directed against the dollar and our leadership has not wanted to confront it, because apparently politically it does not help the image of being in control of foreign policy.

The fact of the matter is we do not have a policy. We do not have a policy in either one of those cases. All of that impinges on the other.

Even if the world did not interfere, we still have the task of controlling our own destiny and the Congress has the inescapable duty, unless it just wants to sit supinely by, as we are, waiting for the house of cards to collapse all around our ears.

Since I expected, I have instructed and we have now been working for about a month and a half with the professional staff of the Subcommittee on Housing to work a contingency; that is, I have always believed in anticipatory action. I think this is the only thing that I can truly say in my career as a public official, as a legislator, because this is a field that I have gone into, what I call legislative advocacy, and that is anticipatory, not sit until you have an emergency, but anticipate and in anticipation thereof we are now following programs that we hope we can offer when the foundations begin to shake, if not collapse, in the not too distant future.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

ICA, VOA AND CREDIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 10 minutes.

Mr. MICHEL. Mr. Speaker, recent editorials and news stories in the Washington Post make serious allegations against the current leadership of the International Communication Agency (ICA) and its broadcasting station, the Voice of America (VOA).

An examination of these allegations leads me to the conclusion that they were made out of misunderstanding of the true role of ICA and VOA appointees. In a recent editorial the Post wrote of ICA Director Charles Z. Wick:

> It is being asked whether he is sacrificing credibility for propaganda . . . He calls his approach Project Truth and has a weakness for simplistic approaches to complicated subjects like Soviet disinformation.

In a front page news story, Friday, November 13, 1981, carrying the headline, "Propaganda Role Urged for Voice of America," the Post disclosed the contents of an internal ICA memorandum written by an ICA appointee to VOA Director James B. Conkling.

The memorandum, as quoted in the Post, states that the VOA should function as a propaganda agency.

The Post then goes on to describe the memorandum writer's views.

> He specifically suggested efforts "to destablize" the Soviet Union and its satellites.

The Post states:

> The whole thrust of the VOA operation in recent years has been to champion news objectivity as its goal, which is how VOA's purposes are legislatively sanctified.

It is evident that the Post believes that current ICA leadership is engaged in activities detrimental to "news objectivity" and to the mission of ICA and VOA.

I disagree. I believe ICA and VOA need and deserve close policy supervision from those appointed by the President to lead those organizations.

The first point that must be conceded is that the writer of the internal memorandum in question confuses the role of VOA with that of Radio Liberty, an independent, Government-operated radio station broadcasting to the Soviet Union. It is the job of Radio Liberty to tell the people of the Soviet Union news of their own country. It is the job of VOA to be the official broadcasting arm of the U.S. Government. The two jobs are equally important but Radio Liberty is best suited to carry out the task of informing the Soviet Union's listeners of internal problems and other news.

It also must be stated that neither the VOA nor Radio Liberty and Radio

Free Europe, its sister station, broadcasting to East bloc nations, should engage in destabilizing activities. That is not their proper function and no responsible official of the Reagan administration or of the Board for International Broadcasting—the parent body of Radio Liberty and Radio Free Europe—has ever said it is a desirable goal. These stations should not shy away from telling unpleasant truths about Communist-dominated societies, but never in an inflamatory fashion.

The memorandum leaked to the Post—ICA officials say it was stolen from them—is not relevant to the current debate over the direction of ICA because it does not reflect the policies or the opinions of the leadership of ICA or VOA. It is the informal and unofficial view of one officer. It raises some interesting points. It asks blunt questions about the purpose of ICA and VOA, questions that should be asked. In doing so, however, it offers policy options that in some instances are based on misinformation and in other areas makes suggestions that, if carried out, would be detrimental to the long-range mission of VOA.

Let us not allow this internal memorandum, meant to be confidential and totally without official sanction, muddle the real issue which is what role ICA and VOA should play in the foreign policy of the United States.

That role, as I see it, is as follows: ICA, through its various media and personal diplomacy has the important foreign policy role of aiding the President in communicating his policy views to a worldwide audience.

VOA news broadcasts are one aspect of this role. The purpose of these broadcasts is not news in and of itself, but credible news broadcasts as a means by which foreign audiences build trust in VOA broadcasts as a whole. Thus, credibility in VOA news is a means toward an end, not an end in itself.

This means that responsible ICA officials, appointed by the President, have the right and the duty to make certain that VOA broadcasts remain credible, that is, do not engage in falsehood or distortions, because VOA credibility is a vital factor in overall VOA and ICA effectiveness.

VOA career officers are not and never have been the same as news professionals in private media. The VOA professionals are employees of the U.S. Government, and under our system, must take policy direction from those with legitimate responsibility for such direction.

If this means that ICA or VOA appointed officials question newsstories or parts of stories, this is as it should be. The taxpayers are not supporting VOA or ICA in order to have career experts dictate policy, but to have experts make themselves available to effectively carry out policy formulated by elected officials and those they appoint.

"Sacrificing credibility for propaganda" has a nice ring to it, but it really does not tell us much. If the Post means by this phrase that ICA officials appointed by the President have no right to question the choice of words, phrases, substance of newsstories or selection of newsstories, then the Post misunderstands the proper role of these officials.

They are not in their positions to rubberstamp the decisions made by news experts, but to work with those experts in seeing to it that VOA broadcasts are effective from the viewpoint of the foreign policy goals of the President.

Can appointees make wrong decisions in these areas? Of course they can. Is it possible that in any given administration we are going to find administration appointees at ICA or VOA who will be heavyhanded in dealing with VOA news operations? Of course—it has happened. But these are the risks that must be taken if VOA is to fulfill its true mission, which is not to become a carbon copy of NBC Evening News, but to be a useful tool for the President in the area of foreign policy.

As for the Post's assertion that "Project Truth" is "simplistic," I can only say that I have read "Soviet Propaganda Alert," the first item in the "Project Truth" program and have inserted it in the CONGRESSIONAL RECORD. It is a thoroughly professional job, clear, concise, informative, balanced, and persuasive. Since the Post's charge of "simplistic" policy is not supported by any documentation, I can only say I know of no evidence to support this charge.

The use of the word "propaganda" in the memorandum was unfortunate because the word has no useful meaning in describing persuasive communication which is, after all, what ICA was created by Congress to engage in. The real question we should be asking ourselves is what is the proper way in which ICA and VOA can best serve the goals of the foreign policy of the United States. Front page and editorial denunications of those who are presenting options to answer that question does not bring us any closer to solving the problems involved.

Secretary Haig's statement made before the House Foreign Affairs Committee says that our relationship with the Soviet Union must be based on the twin principles of "restraint and reciprocity." It is clear that Secretary Haig views Soviet disinformation programs as a sign that the Soviet leaders are not interested in reciprocity in international communications. ICA and the VOA must reflect this reality in their programs. This does not mean we engage in disinformation. It does mean, however, that we are willing to tell the truth about the Soviet Union. That is what the current ICA leadership seeks to do.

BEDELL SOCIAL SECURITY PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, judging from the hundreds of letters I receive, it has become clearly apparent that no issue has alarmed so many Americans and caused so much anxiety and fear as the administration's plan to cut back on social security benefits.

Directly or indirectly, social security touches the lives of almost every American. There is no question that social security is the central feature of the way Americans plan their financial futures. That security must be preserved.

The question that remains unanswered is not whether the social security system is going bankrupt. The system is not going broke. Those who threaten bankruptcy are using fear and misunderstanding to force people to accept drastic changes in the system that are simply not needed.

The American people can be certain that Congress will not allow the social security system to cave in. Because of unexpected economic developments in past years—high unemployment, rapid inflation, low real wage growth—the social security system has been forced to carry a heavier and heavier load. Nonetheless, I am personally committed to assuring that the millions of Americans who have paid into the system over the past 30 or 40 years in good faith receive every dollar of assistance they deserve.

The only answered question is how can we strengthen the system without destroying it and without delaying benefits to those who have earned them?

The administration has proposed a plan consisting of several ideas they feel would solve the financial problems of the old-age and survivors insurance trust fund. While their intentions of solving the problem are ones that all of us share, I believe their plan for reducing benefits to present and future recipients is one that is unnecessarily harsh.

It is wrong to tell the American people that there is only one way to solve this problem, as the administration has done by calling for cuts in benefits as the only answer.

Through forums conducted in June in northwest Iowa on the future of social security, through open door meetings, I held in August, and through many, many letters and phone calls from my constituents, I have received helpful suggestions and

ideas on how we can preserve our social security system in a fair and even-handed manner.

As a direct result of these ideas and suggestions, Mr. Speaker, I am today introducing a social security package. My package is designed to put the system back on firm financial footing without breaking faith with social security beneficiaries.

My package consists of three bills. Unlike the administration's plan, my proposals will not significantly cut benefits. In addition, they will not raise taxes, but will solve the system's financial problems in the near and longer term.

The package consists of the following bills:

A bill which will end payment of all social security benefits to convicted criminals confined to penal institutions. Currently, prisoners are receiving many types of social security benefits. For example, under present law, there is a loophole which says that a prisoner can collect monthly social security disability checks, if he agrees to enter a rehabilitation program. As one would imagine, a great number of prisoners do this and continue to drain the financially troubled system.

Rather than severely cutting benefits, the second bill will modify the formula used to adjust benefits to keep pace with inflation. My constituents during August open door meetings told me that they would favor increasing the cost-of-living adjustments by either the rise in the CPI or the wage index, whichever is lower. This change in the formula would save social security $26 billion by 1986, if the economy continues to perform as it has in recent years.

Finally, social security was originally established in 1935 as a Federal insurance program to provide supplemental retirement income. Over the years, other social programs have been added to the social security system. Thus, to redirect the system back toward its original purpose, my third bill will finance the hospital insurance program—part A-medicare—from general revenues. In 1965, the payroll tax was expanded to include withholding for the Federal hospital insurance program. Since this program is more socially oriented and the benefits are not related to a worker's contributions, it is better suited for support from general funds.

The current payroll tax would be applied toward financing the other two parts of social security—the old-age and survivors insurance and disability insurance. The savings we would realize by using general revenues for hospital insurance would be about $187 billion—more than enough to put the retirement program back on firm financial footing.

The American people have been told that because of the dire condition of the social security funds, we must either sharply cut back on benefits or raise taxes. This is simply not true.

By taking sensible and fair actions like the bills included in my social security package, we do not have to go back on our word to the people. By taking the steps I have proposed, we can save the system billions of dollars painlessly and put our social security system back on a stable financial base.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DE LA GARZA) is recognized for 5 minutes.

● Mr. DE LA GARZA. Mr. Speaker, yesterday on rollcall No. 297, the motion to recommit H.R. 4035, the Interior appropriations bill, I inadvertently voted "yea" for recommittal when my vote should have been "nay" against recommittal.

I bring this to the attention of the House to set the record straight. Thank you for your attention.●

PERSONAL EXPLANATION

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 Thursday, November 5, 1981, when the House voted on rollcall No. 293 and rejected an amendment to H.R. 2330, the Nuclear Regulatory Commission authorization, that sought to strike the language authorizing the NRC to grant temporary operating licenses before public hearings are completed. The vote was 90 ayes to 304 noes. Had I been present, I would have voted "aye."●

DEFERRAL IN FISCAL YEAR 1982 FUNDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-110)

The SPEAKER pro tempore (Mr. PATMAN) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one deferral of $108 thousand in fiscal year 1982 funds.

This action is taken to restrain spending of funds made available by the Continuing Resolution, P.L. 97-51.

The deferral contained in this message is for the Department of Interior's Historic Preservation Fund.

The details of the deferral are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *November 13, 1981.*

AGRICULTURAL FAIR PRACTICES ACT AMENDMENTS OF 1981

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 10 minutes.

● Mr. PANETTA. Mr. Speaker, today I am introducing amendments to the Agricultural Fair Practices Act to strengthen protections for producers and handlers of perishable commodities in bargaining situations. There is a pressing need for this protection as evidenced by the tremendous support my bill enjoys from the American Farm Bureau Federation, the Grange, the Farmers Union, and the National Council of Farmer Cooperatives. I would like to briefly explain to my colleagues the reason I am introducing this measure and to describe its basic provisions.

There is a pressing need to help our farmers survive in this time of rapidly increasing inflation and low farm prices. It is apparent as the House and Senate work out their compromises on the farm bill, that our farmers are going to have to rely more upon the market and less upon Government programs to insure their livelihood. In light of this increased reliance upon the market, it is more important now than ever before, that we insure that the market runs in a smooth and fair manner. My bill would achieve this objective by amending existing law to clarify and strengthen the standards of fair conduct that both producers and handlers must meet in negotiating purchases and sales of perishable commodities.

The fact is that our marketplace for farm products is a highly concentrated one. There are few large handlers of farm commodities as compared to the many thousands of producers seeking to sell their products. Consequently, it is difficult for a farmer to bargain effectively regarding price, terms of sale, and condition of products. This difficulty is compounded by the fact that producers of perishable commodities must find a home for their product or risk losing everything to spoilage.

To offset their weakness in the marketplace, many farmers have banded together in associations to negotiate in a single voice with farm-product handlers. Naturally, handlers have resisted these efforts primarily by refusing to deal with such associations and by offering sweetheart contracts to entice their individual members to negotiate separately. In some areas, farmers

have overcome this problem and formed effective bargaining associations. The National Farmers Organization is an example of one group that has struggled long and hard to establish itself as bargaining agent for farmers and to gain recognition from the large handlers. Other farmers, particularly those who produce perishable crops, have met with less success in gaining recognition.

My legislation respects the position of farm organizations that have already established themselves in certain areas by not changing the law as it pertains to them. My bill, however, gives a boost to growers of vegetables, fruit, nuts, and poultry, by allowing their associations to be certified upon application to the Secetary of Agriculture. With this certification would come an obligation on the part of the association and handlers to engage in good faith negotiations regarding the price, quality, and terms of sale of farm products.

It is vitally important that we establish these guidelines for the smooth and proper functioning of the marketplace. Otherwise, farmers will remain in an unfair position in their negotiations with large handlers who control the markets. My bill corrects this problem in a simple and effective way without creating a new bureaucracy or incurring excessive costs to the taxpayer.

I urge my colleagues to join with me in seeking enactment of this legislation. As the second ranking member of the House Agriculture Subcommittee on Domestic Marketing, I intend to seek hearings on this matter and to move the bill toward adoption in the 97th Congress.

H.R. 4975

A bill to amend the Agricultural Fair Practices Act of 1967 to assure fair practices in agriculutral bargaining

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 1. This Act may be cited as the "Agricultural Fair Practices Act Amendments of 1981."

LEGISLATIVE FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) Agricultural products are produced in the United States by many individual farmers and ranchers scattered throughout the various States of the Nation. Such products in fresh or processed form move in large part in the channels of interstate and foreign commerce, and such products which do not move in these channels directly burden or affect interstate commerce. The efficient production and marketing of agricultural products by farmers and ranchers is of vital concern to their welfare and to the general economy of the Nation. Because agricultural products are produced by numerous individual farmers, the marketing and bargaining position of individual farmers will be adversely affected unless they are free to join together voluntarily in cooperative organizations as authorized by law. Interference with this right is contrary to the public interest and adversely affects the free and orderly flow of goods in interstate and foreign commerce.

(b) It is, therefore, declared to be the policy of the Congress and the purpose of this Act to establish standards of fair practices required of handlers and, with respect to certain agricultural commodities, to establish the mutual obligation of handlers and accredited associations of producers to bargain in good faith relative to the production or marketing of such agricultural commodities.

DEFINITIONS

SEC. 3. For purpose of this Act—

(a) The term "handler" means any person other than an association of producers engaged in the business or practice of—

(1) acquiring agricultural products from producers or associations of producers for processing or sale, or

(2) grading, packaging, handling, storing, or processing agricultural products received from producers or associations of producers, or

(3) contracting or negotiating contracts or other arrangements, written or oral, with producers or associations of producers with respect to the production or marketing of any agricultural product, or

(4) acting as an agent or broker for a handler in the performance of any function or act specified in subparagraphs (1), (2), or (3).

(b) The term "producer" means a person engaged in the production of agricultural products as a farmer, planter, rancher, dairyman, of poultryman, or as a fruit, vegetable, or nut grower, including a grower or farmer furnishing labor, production management, or facilities for the growing or raising of agricultural products.

(c) The term "association of producers" means any association of producers of agricultural products engaged in marketing, bargaining, shipping, or processing as defined in section 15(a) of the Agricultural Marketing Act of 1929 or in section 1 of the Act entitled "An Act to authorize association of producers of agricultural products", approved February 18, 1922 (7 U.S.C. 291),

(d) The term "person" includes individuals, partnerships, corporations, and associations.

(e) The term "agricultural products" means agricultural commodities and the products thereof, but does not include cotton or tobacco or their products.

(f) The term "qualified commodity" means vegetables, fruits, nuts, or poultry and the products thereof.

(g) The term "to bargain in good faith" means meeting at reasonable times and for reasonable periods of time to negotiate in good faith with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of such products.

(h) The term "accredited association of producers" means an association of producers which is accredited by the Secretary to be the exclusive bargaining agent, for all producers members of such association within a bargaining unit.

(i) The term "bargaining unit" means a bargaining unit approved by the Secretary under section 4.

(j) The term "Secretary" means the Secretary of Agriculture.

ACCREDITATION, BARGAINING UNITS, AND COVERED COMMODITIES

SEC. 4. (a) An association or producers may file an application with the Secretary—

(1) requesting accreditation to serve as the exclusive bargaining agent on behalf of its producer members who are within a proposed bargaining unit with respect to any qualified commodity;

(2) describing the geographical boundaries of such proposed bargaining unit;

(3) specifying the number of producers and the quantity of product included within such proposed bargaining unit;

(4) specifying the number and location of the producers and the quantity of product represented by such association; and

(5) supplying any other information required by the Secretary.

(b) Within 60 days after receiving an application under subsection (a), the Secretary shall approve or disapprove such application in accordance with this section.

(1) The Secretary shall approve such application if he determines:

(A) that under the charter documents or bylaws of the association, it is owned and controlled by producers;

(B) that the association has valid and binding contracts with its members empowering the association to sell or negotiate terms of sale of the products of its members or to negotiate for compensation for products produced under contract by its members;

(C) that the association represents a sufficient number of producers or that its members produce a sufficient quantity of agricultural products to enable it to function as an effective agent for producers in bargaining with handlers. In making this finding, the Secretary shall not take into consideration any quantity of the agricultural products contracted by producers with producer owned and controlled processing cooperatives and any quantity of such products produced by handlers;

(D) that the association has as one of its functions acting for its members in negotiations with handlers for prices and other terms of trade with respect to the production, sale, and marketing of the products of its members, or for compensation for products produced by its members under contract; and

(E) that accreditation would not be contrary to the policies of this Act as set out in section 2.

(2) if the Secretary does not approve the application under paragraph 1, then such association of producers may file amended applications with the Secretary. The Secretary, within a reasonable time, shall approve an amended application if it meets the requirements set out in paragraph (1).

(c) Accreditation by the Secretary shall be effective for such period during which the association meets the requirements for accreditation as provided for in this section. An accredited association shall file an annual report in such form as required by the Secretary to allow the Secretary to determine if the association continues to meet the accreditation requirements. If it appears to the Secretary, based on information furnished in the annual report or other information, that the association no longer meets the requirements for accreditation, the Secretary shall issue a notice of intent to revoke accreditation to the association. The proposed action shall become final and effective at the end of 30 days from receipt by the association unless within that time the association corrects the accreditation deficiency or requests a hearing. In the event a hearing is held, the decision of the Secretary shall be final.

PROHIBITED PRACTICES

SEC. 5. (a) It shall be unlawful for any handler to engage, or permit any employee or agent to engage in any of the following practices:

(1) To coerce any producer in the exercise of his right to contract with, or to join, or to refrain from contracting with or joining, or belonging to an association of producers, or to refuse to deal with any such producer because of the exercise of his right to contract with or join and belong to such an association.

(2) To discriminate against any producer with respect to price, quantity, quality, or other terms of purchase, acquisition, or other handling of agricultural products because of his membership in or contract with an association of producers.

(3) To coerce or intimidate any producer to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers or a contract with a handler.

(4) To pay or loan money, give any thing of value, or offer any other inducement or reward to a producer for refusing to or ceasing to belong to an association of producers.

(5) To make false reports about the finances, management, or activities of associations of producers or handlers.

(6) To refuse to bargain in good faith with an association of producers accredited under section 4 with respect to any qualified commodity.

(7) To offer more favorable terms with respect to any qualified commodity to a producer or his agent in a bargaining unit for which an association of producers has been accredited under section 4 than offered to such association.

(8) To refuse to comply with compulsory and binding arbitration ordered by the Secretary under section 6.

(9) To conspire, combine, agree, or arrange with any other person to do, or aid or abet the doing of, any act made unlawful by this Act.

(b) It shall be unlawful for any association of producers to engage, or permit any employee or agent to engage in any of the following practices:

(1) To refuse to bargain in good faith with a handler for any qualified commodity for which the association is accredited under section 4.

(2) To coerce or intimidate a handler to breach, cancel, or terminate a marketing contract with an association of producers or a contract with a member of such an association.

(3) To make or circulate false reports about the finances, management, or activities of an association of producers or a handler.

(4) To coerce or intimidate a producer to breach, cancel, or terminate a membership agreement or marketing contract with an association of producers.

(5) To refuse to comply with compulsory and binding arbitration ordered by the Secretary under section 6.

(6) To conspire, combine, agree or arrange with any other person to do or aid or abet the doing of any practice which is in violation of this Act.

MEDIATION AND ARBITRATION

SEC. 6. (a) The Secretary may provide mediation services if requested to do so by an accredited association of producers or by a handler engaged in bargaining with an accredited association of producers and if, in the Secretary's judgment, such accredited association and handler have reached an impasse in bargaining.

(b) The Secretary shall provide assistance in proposing and implementing arbitration agreements between accredited associations of producers and handlers. The Secretary shall establish a procedure for compulsory and binding arbitration. The Secretary may require compulsory and binding arbitration under such procedure if requested to do so by an accredited association of producers or a handler and if, in the Secretary's judgment, such accredited association and handler have reached an impasse in bargaining.

ASSIGNMENT AND REMITTANCE OF ASSOCIATION DUES, FEES, OR RETAINERS

SEC. 7. If a producer directs in writing in a sales contract, membership agreement with an association of producers or other instrument that a handler deduct from an amount owed by such handler to the producer under a contract for the sale of commodities or production services any dues, fees or sums to be retained by an association of producers and the handler has notice of such written direction from the association, then the handler shall so deduct the amount of such dues, fees or sums to be retained and remit the same to such association upon payment by the handler under such contract.

COMPLAINTS, ADMINISTRATIVE REVIEW, AND JUDICIAL REVIEW

SEC. 8. (a)(1) Whenever it is charged that an accredited association or a handler has violated or is violating Section 5(a)(6) or 5(b)(1), the Secretary shall issue and cause to be served upon the person charged a complaint stating the charges. The complaint shall summon the named person to a hearing before the Secretary not later than five days after the serving of the complaint.

(2) Whenever it is charged that an association or handler has violated or is violating any other provision of this Act, the Secretary shall investigate such charges. If, upon such investigation, the Secretary has reasonable cause to believe that the person charged has violated such provision, he shall issue and cause to be served upon the person so charged a complaint stating the charges. The complaint shall summon the named person to a hearing before the Secretary at the time and place therein fixed.

(b) No complaint shall issue based upon any act occurring more than 6 months before the filing of such charge with the Secretary. Any such complaint may be amended by the Secretary in his discretion at any time prior to the issuance of an order based thereon. Any person named in the complaint shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and present testimony and evidence at the place and time fixed in the complaint. In the discretion of the Secretary any other person may be allowed to intervene in the said proceeding and to present testimony and other evidence. Upon a showing of relevance, the Secretary may issue a subpena to compel testimony or production of documents or other evidence from any person. On contest, the subpena may be enforced by a United States district court. Except as otherwise provided in this Act, any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence and civil procedure applicable in the district courts of the United States.

(c) If, upon the preponderance of the testimony and other evidence taken, the Secretary shall be of the opinion that any person named in the complaint has engaged in or is engaging in any prohibited practice, then the Secretary shall state findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such practice and to take such affirmative action as will effectuate the policies of this Act. Such order may further require such person to make reports from time to time showing the extent of compliance with the order. If upon the preponderance of the testimony and other evidence, the Secretary shall determine that the person named in the complaint has not engaged in or is not engaging in any such prohibited practice, then the Secretary shall issue findings of fact and an order dismissing the complaint.

(d) Any person aggrieved by a final order of the Secretary under subsection (c) may obtain review of such order in the United States Court of Appeals for the District of Columbia Circuit, by filing in such court, within 30 days from the date of such order, a written petition praying that the order of the Secretary be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Secretary. The order and findings of the Secretary shall be sustained if supported by substantial evidence when considered on the record as a whole.

(e) Petitions filed under subsection (d) shall be reviewed expeditiously, and if possible not later than ten days after such petitions are filed.

INVESTIGATION POWERS OF SECRETARY

SEC. 9. In order to carry out the objectives of this Act, the Secretary shall conduct such investigations and hearings as he shall consider necessary. In connection therewith, he may require the maintenance of records, the attendance and testimony of witnesses and the production of evidence under oath. Any records, reports or information obtained under this section shall be available to the public except that upon a showing satisfactory to the Secretary that, if made public, they would divulge confidential business information, the Secretary shall consider such record, report or information, or particular portion thereof confidential in accordance with Section 1905 of Title 18, United States Code, except that they may be disclosed to other offices, employees or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

SUIT FOR DAMAGES

SEC. 10. Any person injured in his business or property by reason of any violation of, or combination or conspiracy to violate, any provision of section 5 may sue therefor in any district court of the United States without respect to the amount in controversy, and shall recover damages sustained, including reasonable attorney fees and costs of bringing such suit. Any action to enforce any cause of action under this section shall be forever barred unless commenced not later than two years after such cause of action accrued.

CIVIL PENALTIES AND FINES

SEC. 11. (a) Any person who violates section 5 may be assessed a civil penalty by the Secretary of not more than $100,000 for each offense. No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge. In determining the amount of the penalty, the Secretary shall consider the appropriateness of such penal-

ty to the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation. If the Secretary is unable to collect such civil penalty, then the Secretary shall refer the collection to the Attorney General, who shall recover such amount by action in the appropriate United States district court.

(b) Any person who knowingly violates section 5, or who permits or authorizes any agent, officer, or employee to violate such section, shall be guilty of a misdemeanor and shall on conviction be fined not more than $25,000, or imprisoned for not more than 1 year, or both.

AUTHORITY OF SECRETARY TO MAKE RULES

SEC. 12. The Secretary may make such rules, regulations and orders as may be necessary to carry out the provisions of this Act.

EFFECT ON STATE LAW

SEC. 13. The provision of this Act shall not be construed to change or modify existing State law nor to prevent a State from enacting similar legislation nor to deprive the proper state courts of jurisdiction, provided, that, no state may enact legislation which permits any action prohibited by this Act.

SEPARABILITY

SEC. 14. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.●

CONFERENCE REPORT ON H.R. 4209

Mr. BENJAMIN submitted the following conference report and statement on 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.

CONFERENCE REPORT (H. REPT. No. 97-331)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 38, 39, 91, and 94.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 10, 12, 18, 19, 21, 22, 27, 28, 29, 37, 41, 42, 43, 44, 45, 49, 51, 52, 57, 59, 61, 62, 69, 70, 71, 72, 73, 76, 79, 81, 85, 86, 92, 95, and 98, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$35,100,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *consent*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,400,000,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$400,000,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$49,483,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$5,000,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,220,000,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$800,000,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$29,982,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$192,440,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$14,500,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$9,667,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

Territorial Highways

For necessary expenses in carrying out the provisions of title 23, United States Code, sections 152, 153, 215, and 402, $4,000,000, to remain available until expended.

And the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$325,000,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$81,900,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *Provided further, That, of the funds appropriated under this heading $6,000,000 shall be available only for activities at the Transportation Systems Center.*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$9,500,000;* and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$9,000,000;* and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$26,888,000;* and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,479,000,000;* and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,430,000,000;* and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$560,000,000*; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,000,000*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$27,000,000*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$450,000*; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$5,000,000*; and the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$76,000*; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$92,500,000*; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$8,000,000,000*; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *322.*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *323.*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 7, 8, 15, 20, 24, 25, 30, 31, 46, 50, 53, 54, 55, 56, 58, 64, 66, 67, 77, 78, 84, 89, 90, 93, 99, 100, 101, 102, 103, and 104.

ADAM BENJAMIN, Jr.,
WILLIAM LEHMAN,
MARTIN OLAV SABO,
LES AUCOIN,
WILLIAM H. GRAY III,
JAMIE L. WHITTEN,
CARL D. PURSELL,
Managers on the Part of the House.

MARK ANDREWS,
MARK O. HATFIELD,
THAD COCHRAN,
JAMES ABDNOR,
BOB KASTEN, Jr.,
ALFONSE M. D'AMATO,
LAWTON CHILES,
JOHN C. STENNIS,
ROBERT C. BYRD,
THOMAS F. EAGLETON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Salaries and expenses

Amendment No. 1: Appropriates $35,100,000 instead of $35,000,000 as proposed by the Senate and $35,193,204 as proposed by the House.

The conferees note that the Department has complied with the directive issued in the House report to submit a cost/benefit study analyzing future procurements of automated office equipment. The conferees agree to lift the restriction of such procurements contained in the House report so long as the benefit to cost ratios identified in the Department's analysis continue to be achieved.

Amendment No. 2: The conference agreement includes language prohibiting the sale or transfer of any Consolidated Rail Corporation securities held by the Federal Government without prior consent by the House and Senate Appropriations Committees. The House bill required prior approval and the Senate bill required prior notification.

COMMUTER RAIL SERVICE

Amendment No. 3: Deletes $22,000,000 appropriation proposed by the House. The appropriation for this program is discussed further under Amendment No. 55.

COAST GUARD

Operating expenses

Amendment No. 4: Appropriates $1,400,000,000 instead of $1,337,207,000 as proposed by the Senate and $1,409,086,000 as proposed by the House.

The conferees understand that the Coast Guard is considering substantial changes to existing regulations which would increase the size of tanker vessels allowed to operate in Puget Sound of the State of Washington. It is the conferees' belief that the Coast Guard should demonstrate that any increase in the present limit would also increase the level of environmental protection presently being afforded to the Puget Sound region. The conferees therefore direct the Coast Guard to hold public hearings prior to the implementation of any changes in existing regulations.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

That an additional $5,000,000 shall be derived from the National Recreational Boating Safety and Facilities Improvement Fund to implement a program of recreational boat safety, designed by the Secretary pursuant to 46 U.S.C. 1475 and for the purposes set out in Public Law 97-12: Provided further,

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Acquisition, construction, and improvements

Amendment No. 6: Appropriates $400,000,000 instead of $391,000,000 as proposed by the House and $537,000,000 as proposed by the Senate.

The conferees direct that a report be submitted to the House and Senate Committees on Appropriations by January 1, 1982, to outline what criteria are being used for asset assignment and what decisions have been made to date. The conferees also direct that the Coast Guard, in the process of formalizing these assignment criteria, give full consideration and significant priority to the need to assign more assets to the agency's drug interdiction responsibilities. The conferees do not accept the Coast Guard argument that assets assigned to the 1st, 3d, and 5th districts can be of significant assistance to the drug interdiction problems in the 7th district.

The conferees are concerned that the Coast Guard has failed to achieve the productivity gains that were used to help justify replacing existing Loran-C vacuum tube transmitters with new solid state transmitters. The conferees therefore expect the Coast Guard to proceed with future procurements of solid state transmitters only if such Loran-C stations will be operated with four or less personnel. The conferees believe that ample experience exists with Canadian and other foreign government Loran solid state operations to make this a reasonable condition of future procurement. The conferees also direct that the Department of Transportation provide a comprehensive plan for implementation of the unmanned Loran-C operations program and the reassignment of the redundant personnel to the House and Senate Committees on Appropriations not later than February 15, 1982.

Amendment No. 7: Report in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$175,000,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Alteration of bridges

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$12,000,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Reserve training

Amendment No. 9: Appropriates $49,483,000 instead of $45,000,000 as proposed by the Senate and $50,900,000 as proposed by the House.

Research, development, test, and evaluation

Amendment No. 10: Appropriates $22,000,000 as proposed by the Senate instead of $29,730,000 as proposed by the House.

Within the funds provided, the Coast Guard is directed to promptly complete the Ammonia Spill Study Program, which is jointly supported by the United States, foreign governments, and private industry. This research, which is more than two-thirds completed, is expected to provide specific data that can be of significant benefit to public health and safety on the characteristics of anhydrous ammonia.

The conferees direct the Coast Guard to obtain the approval of the House and Senate Committees on Appropriations before closing the research and development facility at Avery Point in Groton, Connecticut.

The conferees also direct the Coast Guard to submit its research, development, test and evaluation program plan for fiscal year 1982 to the Committees on Appropriations for approval prior to implementation.

OFFSHORE OIL POLLUTION COMPENSATION FUND

Amendment No. 11: Appropriates $5,000,000 instead of $9,550,000 as proposed by the House and an indefinite appropriation as proposed by the Senate.

COAST GUARD SUPPLY FUND

Amendment No. 12: Appropriates $1,320,000 as proposed by the Senate instead of $1,500,000 as proposed by the House.

DEEPWATER PORT LIABILITY FUND

Amendment No. 13: Appropriates $5,000,000 as proposed by the House instead of an indefinite appropriation as proposed by the Senate.

POLLUTION FUND

Amendment No. 14: Deletes $1,000,000 appropriation proposed by the Senate. According to information provided by the Department of Transportation, the unobligated balance for this program was $20,172,000 as of September 30, 1981.

FEDERAL AVIATION ADMINISTRATION

Operations

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to include language to pay lenders of guaranteed aircraft purchase loans where default occurs and collateral cannot be sold to satisfy the Government's obligation.

Amendment No. 16: Appropriates $2,220,000,000 instead of $2,199,792,000 as proposed by the Senate and $2,306,200,000 as proposed by the House.

The amount provided in the conference agreement includes $57,500,000 for the Administration's proposal to raise the pay of air traffic controllers and other selected personnel associated with the operation of a safe and effective air traffic control system. The FAA is directed to report immediately to the House and Senate Committees on Appropriations if this requirement will result in the reduction of any personnel essential to the operation of a safe and effective air traffic control system.

Amendment No. 17: Provides that $800,000,000 of the appropriation shall be derived from the Airport and Airway Trust Fund instead of $750,000,000 as proposed by the Senate and $850,000,000 as proposed by the House.

Facilities, engineering and development

Amendment No. 18: Appropriates $17,797,000 as proposed by the Senate instead of $19,000,000 as proposed by the House.

Facilities and equipment

(Airport and Airway Trust Fund)

Amendment No. 19: Appropriates $284,847,000 as proposed by the Senate instead of $353,570,000 as proposed by the House. The conference agreement includes the following amounts:

Air route centers	$47,340,000
Towers and terminals	124,468,000
Flight service stations	49,649,000
Air navigation facilities	41,653,000
Miscellaneous facilities	21,737,000
Total	284,847,000

The conferees expect the House and Senate Committees on Appropriations to be promptly advised in writing of any decision to deviate from the above allocation by over 10 percent. Such notification should include a full explanation of the reasons necessitating such action.

In addition to the projects specifically identified in the House and Senate Committee reports, the conferees expect the Federal Aviation Administration to give attention to the need for a new tower facility at the Southern Illinois Airport at Carbondale, Illinois.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate earmarking $4,000,000 for the design, engineering, construction, and equipment for an air traffic control training facility at the University of North Dakota at Grand Forks.

Because of the termination of approximately 12,000 air traffic controllers, the conferees believe that training of replacement controllers is of the highest priority and have therefore concurred with the Senate in providing funds for an additional training facility. It is the conferees' understanding that the FAA training academy located in Oklahoma City, Oklahoma, will be operating 24 hours per day, 7 days a week. The University of North Dakota at Grand Forks has a special aviation curriculum that should be integrated into the FAA's training program. The conferees direct the Secretary to take advantage of these additional facilities in order to expedite the rebuilding of the air traffic control system.

Research, engineering and development

(Airport and Airway Trust Fund)

Amendment No. 21: Appropriates $71,800,000 as proposed by the Senate instead of $80,000,000 as proposed by the House.

GRANTS-IN-AID FOR AIRPORTS

(*Liquidation of contract authorization*)

(Airport and Airway Trust Fund)

Amendment No. 22: Appropriates $471,000,000 as proposed by the Senate instead of $481,000,000 as proposed by the House.

Operation and maintenance, Metropolitan Washington Airports

Amendment No. 23: Appropriates $29,982,000 instead of $26,922,000 as proposed by the Senate and $30,593,000 as proposed by the House.

Construction, Metropolitan Washington Airports

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amemdment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$31,700,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Aircraft purchase loan guarantee program

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

New commitments to guarantee loans shall be exclusively for the purchase of aircraft designed to have a maximum passenger capacity of sixty seats or less or a maximum cargo payload of eighteen thousand pounds or less, and shall not exceed in the aggregate $100,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

FEDERAL HIGHWAY ADMINISTRATION

Limitation on general operating expenses

Amendment No. 26: Limits general operating expenses to $192,440,000 instead of $187,440,000 as proposed by the Senate and $200,400,000 as proposed by the House. The conference agreement includes $5,000,000 for the rural transportation assistance program.

Motor carrier safety

Amendment No. 27: Appropriates $12,893,000 as proposed by the Senate instead of $14,500,000 as proposed by the House.

Highway safety research and development

Amendment No. 28: Appropriates $6,860,000 as proposed by the Senate instead of $7,200,000 as proposed by the House.

Amendment No. 29: Provides transfer of $1,500,000 as proposed by the Senate instead of $1,800,000 as proposed by the House.

Highway beautification

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment amended to read as follows:

Highway beautification

For necessary expenses in carrying out section 131 of title 23 U.S.C. and section 104(a)(11) of the Surface Transportation Assistance Act of 1978, $2,000,000 to remain available until expended: Provided, That, notwithstanding any other provision of law, any determination as to whether any outdoor advertising sign, display, or device is or has been lawfully erected under state law or is entitled to compensation shall not be affected by any waiver of compensation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees note that there has been considerable confusion surrounding the provisions in the Highway Beautification Act concerning just compensation for outdoor advertising signs, displays, or devices lawfully erected under State law, but not permitted under the Act. This uncertainty has led many States to adopt their own rules and regulations in an attempt to obviate the problems perceived to have arisen under the Act. The Conference agreement includes language intended to clarify Congressional intent.

The language added by the conferees would clarify Congressional intent regarding permit language. Apparently, when the Act was enacted, many States believed that, despite the shared compensation aspect of the Act, they might be responsible for the total amount of any just compensation to be paid upon removal of signs, displays, and devices, if they were, despite conformance with State law, nonconforming under the Act. One method employed by the States to this end was the imposition of a requirement that those receiving permits to erect signs, displays or devices (which conformed to existing State Law) waive their rights to compensation if those signs had to be removed, at some future date, pursuant to promulgation of federal regulation and Federal-State agreements.

The conferees wish to make it clear that any determination as to whether any outdoor advertising sign, display, or device is or has been lawfully erected under State law or is entitled to compensation shall not be affected by any waiver of compensation.

Railroad-highway crossings demonstration projects

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $2,835,000 for 23 U.S.C. 322(b).

Amendment No. 32: Appropriates $14,500,000 instead of $12,500,000 as proposed by the Senate and $18,000,000 as proposed by the House. The conference agreement includes funds for those projects identified in the House and Senate Committee reports.

Amendment No. 33: Provides that $9,667,000 of the appropriation shall be derived from the Highway Trust Fund instead of $8,325,000 as proposed by the Senate and $12,000,000 as proposed by the House.

Territorial highways

Amendment No. 34: Appropriates $4,000,000 instead of $6,000,000 as proposed by the House.

INTERSTATE TRANSFER GRANTS—HIGHWAYS

Amendment No. 35: Appropriates $325,000,000 instead of $200,000,000 as proposed by the Senate and $400,000,000 as proposed by the House. The conference agreement includes the following amounts:

Location:	
New Jersey	$9,000,000
Washington, D.C	9,000,000
Philadelphia	22,000,000
Oregon	60,000,000
Northeast Illinois	125,000,000
Hartford	13,000,000
Tucson	10,000,000
Cleveland	7,000,000
Denver	10,000,000
New York	8,000,000
Baltimore	4,000,000
Omaha	6,000,000
Memphis	20,000,000
Hennepin County	11,000,000
Duluth	1,000,000
Indianapolis	10,000,000
Total	325,000,000

The conferees recognize that delays in some regions' projects could necessitate adjustments to the above allocations. The conferees expect these adjustments, if required, to be accomplished through the normal reprogramming process.

The conferees note that Portland and Hartford are two of five regions which were entitled to contract authority prior to the rescission of that authority by the Department of Transportation and related Agencies Appropriation Act, 1980. The conferees reaffirm the language included in that year's House Committee report, which is as follows:

In making this rescission and replacing it with direct appropriations, the Committee does not intend to disturb any existing commitments or the total amount of funding that these areas are eligible to receive.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and research

Amendment No. 36: Appropriates $81,900,000 instead of $85,876,000 as proposed by the House and $79,000,000 as proposed by the Senate. The conference agreement includes the following amounts:

Rulemaking	$6,538,000
Enforcement	10,612,000
Highway safety	11,500,000
Research and analysis	38,750,000
General administration	14,500,000
Total	81,900,000

The conferees expect the appropriated funds to be expended according to the above distribution. Any proposal to reallocate funds between these categories during fiscal year 1982 should be submitted to the House and Senate Committees on Appropriations in the form of a reprogramming request. Similarly, if major projects or programs are developed for fiscal year 1982 that have not been presented in the fiscal year 1982 budget request, the conferees expect that an appropriate reprogramming request will be made.

Amendment No. 37: Provides that $24,785,000 of the appropriation be derived from the Highway Trust Fund as proposed by the Senate instead of $27,185,300 as proposed by the House.

Amendment No. 38: Provides that $39,664,700 of the appropriation remain available until expended as proposed by the House instead of $43,000,000 as proposed by the Senate.

Amendment No. 39: Provides that $12,512,000 of the amount appropriated to remain available until expended be derived from the Highway Trust Fund as proposed by the House instead of $13,608,000 as proposed by the Senate.

Amendment No. 40: Provides that $6,000,000 of the amount appropriated be used for research and analysis projects at the Transportation Systems Center in Cambridge, Massachusetts instead of $10,500,000 as proposed by the House. The Senate bill proposed to delete the specific earmarking for the Transportation Systems Center.

State and community highway safety

(Liquidation of contract authority)

Amendment No. 41: Strikes the word "Including" in the heading as proposed by the Senate.

Amendment No. 42: Deletes appropriation of $975,308 for highway safety programs in the territories as proposed by the Senate.

Amendment No. 43: Appropriates $150,200,000 for the payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402 and 406 as proposed by the Senate instead of $145,000,000 as proposed by the House.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Amendment No. 44: Appropriates $7,522,000 as proposed by the Senate instead of $4,315,000 as proposed by the House.

Railroad safety

Amendment No. 45: Appropriates $26,676,000 as proposed by the Senate instead of $26,904,000 as proposed by the House. The conferees believe that an effective railroad safety program requires that sufficient travel funds be made available so that safety inspectors are not constrained from making field inspections. The conferees therefore expect the FRA to make sufficient funding available within this appropriation to provide for at least 15 travel days per month for its railroad safety inspectors. The FRA is also directed to report immediately to the House and Senate Appropriations Committees if this requirement in and of itself will ever cause a reduction in the number of railroad safety inspectors.

Railroad research and development

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$39,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $5,000,000 to complete preliminary engineering work for the East St. Louis Metropolitan Gateway Area railroad restructuring project.

The conferees direct the Department of Transportation to obtain the approval of the House and Senate Committees on Appropriations before making any changes in the ownership status of the Transportation Test Center.

The conferees support the formation of the Japan-United States Rail Congress by legislators from the U.S. Senate and House of Representatives and the Japanese Diet. This bilateral Congress proposes to introduce a system of high-speed passenger trains in this nation's heavily populated transportation corridors and with it to create jobs for the construction and operation of the system and the manufacture of equipment. The conferees believe that high-speed passenger train service in Japan, France and elsewhere demonstrates that it can be financially self-supporting and that adequate private capital can be made available. The conferees congratulate the Joint Economic Committee and Science and Tech-

nology Committee for their support of high-speed rail passenger service. Equal plaudits go to the Senate Rail Caucus and Amtrak for their support of new technology and improved rail transportation.

The conferees direct the Executive Branch, including the Department of Transportation and its Federal Railroad Administration, to prepare in conjunction with Amtrak a report to the Congress planning the creation of an American high-speed passenger rail system. The FRA and Amtrak are specifically directed to determine the feasibility of high speed corridor operation between Los Angeles and San Diego, Orlando and Miami, Chicago and Detroit, Chicago and Milwaukee, and Chicago and Cincinnati via Indianapolis (along Interstate right-of-way).

RAIL SERVICE ASSISTANCE

Amendment No. 47: Appropriates $9,500,000 for rail service assistance and necessary administrative expenses instead of $5,659,000 as proposed by the House and $14,313,000 as proposed by the Senate. The conferees direct that the authorized position level be maintained at 85 as proposed by the House instead of 99 as proposed by the Senate.

Amendment No. 48: Appropriates $9,000,000 for the Minority Business Resource Center instead of $8,756,000 as proposed by the Senate and $9,965,000 as proposed by the House.

Amendment No. 49: Inserts the word "immediately" as proposed by the Senate instead of "on October 1, 1981" as proposed by the House.

CONRAIL LABOR PROTECTION

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Rail Labor Assistance

(Transfer of funds)

For payment of benefits under section 1160 of the Northeast Rail Service Act of 1981, $25,000,000, to remain available until expended, to be derived from the unobligated balances of "Payments for Purchase of Conrail Securities": Provided, That such sum shall be considered to have been appropriated under said section 1160.

Conrail workforce reduction program

(Transfer of funds)

For expenses of the Conrail Workforce Reduction Program as authorized by section 713 of the Regional Rail Reorganization Act of 1973 as added by section 1143 of the Northeast Rail Service Act of 1981, $100,000,000, to remain available until expended, to be derived from the unobligated balance of "Payments for Purchase of Conrail Securities": Provided, That, such sum shall be considered to have been appropriated to the Secretary under section 713 of the Regional Rail Reorganization Act of 1973 to be available for the payment of termination allowances under section 702 of that Act: Provided further, That, for the purposes of section 710 of the Regional Rail Reorganization Act of 1973 as added by section 1143 of the Northeast Rail Service Act of 1981, such sum shall be considered to have been appropriated under section 713 of the Regional Rail Reorganization Act of 1973 and counted against the limitation on the total liability of the United States.

Conrail labor protection

(Transfer of funds)

For labor protection as authorized by section 713 of the Regional Rail Reorganization Act of 1973 as added by section 1143 of the Northeast Rail Service Act of 1981, $85,000,000, to remain available until expended, to be derived from the unobligated balances of "Payments for Purchase of Conrail Securities": Provided That, such sum shall be considered to have been appropriated to the Secretary under said section 713 for transfer to the Railroad Retirement Board for the payment of benefits under section 701 of the Regional Rail Reorganization Act of 1973, as amended: Provided further, That, for purposes of section 710 of the Regional Rail Reorganization Act of 1973 as added by section 1143 of the Northeast Rail Service Act of 1981, such sum shall be considered to have been appropriated under section 713 of the Regional Rail Reorganization Act of 1973 and counted against the limitation on the total liability of the United States: Provided further, That, in addition, such sums as may be necessary shall be derived from the unobligated balances of "Payments for Purchase of Conrail Securities" for necessary expenses of administration of section 701 of the Regional Rail Reorganization Act of 1973 by the Railroad Retirement Board.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees intend that any dispute or controversy concerning eligibility for any benefit under section 701 may be resolved under such procedures as the Railroad Retirement Board may by regulation provide, including, but not limited to, an arbitration process similar to that used under labor protection legislation dealing with Milwaukee Railroad employees. Each railroad that employs or has employed a person who may be eligible for a benefit should provide any information required by the Board to determine such eligibility. The administrative powers and penalties set forth in sections 9 and 12 of the Railroad Unemployment Insurance Act would be available to the Board with respect to the administraton of the section 701 funds provided by this Act.

The conferees direct the Federal Railroad Administration in conjunction with the Railroad Retirement Board to submit a detailed report to the House and Senate Committees on Appropriations by no later than December 31, 1981, on the estimated fiscal year 1982 funding required by the Railroad Retirement Board to administer the section 701 program.

Northeast corridor improvement program

Amendment No. 51: Appropriates $176,000,000 as proposed by the Senate instead of $200,000,000 as proposed by the House. This amount, together with a carryover balance of $258,481,000 from previous years' appropriations, will provide a total program level of $434,481,000 in fiscal year 1982. The conferees expect the Federal Railroad Administration to honor its commitment made in testimony before the House Appropriations Committee that the work items deleted in the proposed fiscal year 1982 funding reduction from $200,000,000 to $176,000,000 will be deferred into fiscal year 1983.

Grants to the National Railroad Passenger Corporation

Amendment No. 52: Appropriates $569,000,000 as proposed by the Senate instead of $544,000,000 as proposed by the House. This amount, together with $166,000,000 derived from the permanent appropriation, will provide $735,000,000 for Amtrak operating losses, capital improvements and labor protection costs. The House bill language requiring specified funding levels for operating losses, capital improvements and labor protection costs is also deleted.

It is the expectation of the conferees that, once necessary repair work in the Baltimore Tunnel is completed, Amtrak will restore the Metroliner express stops for Wilmington, Delaware. Additionally, the conferees urge Amtrak not to make any further service reductions to Wilmington during the time this track rehabilitation program is continuing.

Amendment No. 53: Reported in technical disagreement. The managers of the part of the House will offer a motion to recede and concur in the amendment of the Senate which directs Amtrak to continue rail passenger service along the route of the Cardinal between Chicago and Washington, D.C. via Cincinnati. The conferees are encouraged by the improved ridership on the Cardinal in the past year and believe that further improvement is clearly possible. Amtrak is directed to improve local advertising and reservation service along the route of the Cardinal. Also, the conferees expect Amtrak to report before April 1, 1982, to the House and Senate Committees on Appropriations on the feasibility of increasing ridership on the Cardinal through route changes, fare restructuring, and service improvements. In particular, this report should comment on the practicality of routing the Cardinal through Indianapolis, Indiana.

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Notwithstanding any other provision of law, none of the funds appropriated for the benefit of the Corporation pursuant to this Act or the revenues or other assets of the Corporation or any railroad subsidiary thereof shall be available for payment to any State, political subdivision of a State, or local taxing authority for any taxes or other fees levied on the Corporation: Provided, That notwithstanding any provision of law, the Corporation shall pay all taxes or other fees appropriately levied on its facilities in Beech Grove, Indiana.

(Disapproval of Deferral)

The Congress disapproves in its entirety deferral D82-217 relating to the Federal Railroad Administration, Grants to the National Railroad Passenger Corporation, as set forth in the message of November 6, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective immediately and the amount of the proposed deferral disapproved herein shall be made available for obligation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Commuter rail service

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Commuter rail service

For necessary expenses to carry out the commuter rail activities authorized by section 601(d) of the Rail Passenger Service Act (45 U.S.C. 601), as amended, $15,000,000, and for necessary expenses to carry out section 1139(b) of Public Law 97-35, $45,000,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

PAYMENTS TO THE ALASKA RAILROAD REVOLVING FUND

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $6,160,000 for Alaska Railroad capital improvements and operating expenses.

Redeemable preference shares

Amendment No. 57: Changes heading as proposed by the Senate.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *for uses authorized for the Fund, in amounts not to exceed $67,500,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following amounts:

Location:	
East St. Louis Metropolitan Gateway Project	$20,000,000
OKT (Kansas-Ft. Worth/Dallas rehabilitation)	11,000,000
Grain route—Twin Cities-Kansas City	15,000,000
Milwaukee mainline	6,000,000
SSW/ICG yard	5,000,000
East St. Louis and other meritorious projects	10,500,000
Total	67,500,000

The conferees expect that appropriate consideration will be given to any application submitted by the Ann Arbor Railroad System.

The conferees agree that a comprehensive evaluation of the section 505 program must be completed to aid Congress in its future funding decisions for this program. The Federal Railroad Administration is therefore directed to submit the results of a comprehensive assessment of this program to the House and Senate Committees on Appropriations by no later than February 15, 1982. This submission should include an analysis of whether past section 505 investments have effectively contributed to the statutory goals of this program. Such an analysis should be predicated on data showing the impact of section 505 funding on the financial performance of the affected railroads; service and operational efficiencies; employment; labor costs and productivity; safety; and energy conservation.

The conferees also expect this report to explain the Department's views on the future direction of this program. Such views should take into account the policy of deregulation contained in the Staggers Rail Act of 1980, the Administration's policy to minimize Federal involvement in the private sector, the Administration's stated policy to emphasize alternatives to the section 505 program, the ability of railroads to raise capital from private sources for rehabilitation and restructuring projects, and the future need for rehabilitation improvements.

Investment in fund anticipation notes

Amendment No. 59: Deletes provision as proposed by the Senate. This is a technical amendment which is necessary to provide borrowing authority for the redeemable preference share program. The provision is reinserted under a separate heading (Amendment No. 84).

URBAN MASS TRANSPORTATION ADMINISTRATION

Administrative expenses

Amendment No. 60: Appropriates $26,888,000 instead of $25,476,000 as proposed by the Senate and $28,300,000 as proposed by the House.

In furtherance of closing the section 17 grant program, which expired in September 1978, UMTA is directed to settle, as is, without additional transference of funds between UMTA and grant recipients or offsetting deductions from other accounts, any disputes with grantees relating to costs which were anticipated to have been incurred for use of the Northeast Corridor.

Research, development, and demonstrations and university research and training

Amendment No. 61: Appropriates $61,600,000 as proposed by the Senate instead of $69,000,000 as proposed by the House. The conference agreement includes $8,500,000 for the continued development of advanced group rapid transit, including magnetic transit. The conferees expect that the planned test loops be built as soon as possible and that completion of the test phase be expedited to show initial results in 1984.

Amendment No. 62: Earmarks $58,600,000 of the appropriation under this heading for research, development and demonstrations as proposed by the Senate instead of $66,000,000 as proposed by the House.

URBAN DISCRETIONARY GRANTS

Amendment No. 63: Appropriates $1,479,000,000 instead of $1,428,000,000 as proposed by the Senate and $1,555,000,000 as proposed by the House. In addition to the funds included in the conference agreement under this amendment, there will be an additional $231,000,000 in unobligated carryover funds and transfers available under this heading. These funds are to be distributed as follows:

Bus and bus facilities	$540,000,000
Existing rail modernization and extensions	895,000,000
New systems:	
Miami (rail construction)	70,000,000
Buffalo (light rail)	16,200,000
Atlanta (rail construction)	40,800,000
Detroit (central automated transit system)	20,000,000
Miami (circulator)	26,000,000
Los Angeles (preliminary engineering)	10,000,000
Urban Initiatives	30,000,000
Planning	55,000,000
Innovative techniques and technology introduction	7,000,000
Total	1,710,000,000

The conference agreement includes $10,556,434 for the design and construction of a bus maintenance facility in Gary, Indiana.

The conferees direct the Secretary to expedite approval of the application for section 3 urban discretionary grant funding of the Detroit Riverfront West development project. Furthermore, the conferees expect that this project be funded from some category other than the urban initiatives program.

The conferees expect UMTA to continue to fund applications for alternatives analysis, not excluding any mode, in areas such as Seattle, Baltimore, San Francisco, Minneapolis, Boston and Orange County, California.

The conference report on the Department of Transportation and Related Agencies Appropriations Act, 1981, includes language under Amendment No. 43 regarding the administration of the "Buy America" provisions of section 401 of Public Law 95-599. The conferees reiterate the language contained in last year's conference report and direct UMTA to administer its capital grant program accordingly.

NON-URBAN FORMULA GRANTS

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *1970 decennial census until March 31, 1982, after which date funds apportioned under this appropriation shall be distributed on the basis of data from the 1980*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees intend that 50 percent of the section 18 appropriation be distributed according to the 1970 decennial census and 50 percent of the section 18 appropriation be distributed according to the 1980 decennial census. Those cities which will move from the section 18 program to the section 5 program under the 1980 census will be eligible for the equivalent of six months funding under each program in accordance with the appropirate census.

URBAN FORMULA GRANTS

Amendment No. 65: Appropriates $1,430,000,000 instead of $1,381,000,000 as proposed by the Senate and $1,480,000,000 as proposed by the House. The conference agreement includes the following amounts:

Tier I	$825,000,000
Tier II	165,000,000
Commuter rail/fixed guideway	90,000,000
Bus and bus facilities	350,000,000
Total	1,430,000,000

The conference agreement includes $49,000,000 in addition to the Senate allowance for tier I. The conferees assume that the increase in fiscal year 1982 outlays resulting from this tier I funding increase will be offset by UMTA's controlling fiscal year 1982 capital grant obligations according to the following schedule:

	Percent
1st quarter	20
2d quarter	20
3d quarter	20
4th quarter	40

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *1970 decennial census until March 31, 1982, after which date funds apportioned under this appropriation shall be distributed on the basis of data from the 1980*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees intend that 50 percent of the section 5 appropriation be distributed according to the 1970 decennial census and 50 percent of the section 5 appropriation be distributed according to the 1980 decennial census. Those cities which will move from the section 18 program to the section 5 program under the 1980 census will be eligible for the equivalent of six months funding under each program in accordance with the appropriate census.

WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which rescinds $2,000,000.

INTERSTATE TRANSFER GRANTS—TRANSIT

Amendment No. 68: Appropriates $560,000,000 instead of $550,000,000 as proposed by the Senate and $600,000,000 as proposed by the House. The conference agreement includes the following amounts:

Location:	
Boston	$125,000,000
New York	15,000,000
New Jersey	25,000,000
Washington, D.C	290,000,000
Philadelphia	9,000,000
San Francisco	3,000,000
Oregon	45,000,000
Sacramento	2,000,000
Northeast Illinois	25,000,000
Minneapolis-St. Paul	1,000,000
Baltimore	7,000,000
Duluth	1,000,000
Unearmarked	12,000,000
Total	560,000,000

The conferees recognize that delays in some regions' projects could necessitate adjustments to the above allocations. The conferees expect these adjustments, if required, to be accomplished through the normal reprogramming process.

In cooperation with the Department of Transportation policy that section 3 funds shall not be used for new rail starts, the conferees have agreed to fund the Banfield light rail project with Interstate transfer funds. The conferees recognize that this Department of Transportation policy places a substantial burden on other regions within the States that rely on the limited Interstate transfer highway funds. Therefore, in allocating $45,000,000 in Interstate transfer transit funds for the Banfield project, the conferees direct that such funding be available for relocating the highway and building or rebuilding overpass structures which have been initiated as part of the comprehensive effort to accomodate the total light rail system in the Banfield corridor.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Research and special programs

Amendment No. 69: Appropriates $26,441,000 as proposed by the Senate instead of $29,837,000 as proposed by the House.

Amendment No. 70: Provides that $8,703,000 of the appropriation shall remain available until expended for conducting research and development as proposed by the Senate instead of $11,260,000 as proposed by the House. The conference agreement includes the following amounts:

Hazardous materials technology	$1,100,000
Pipeline safety technology	678,000
Advanced research and technology	3,600,000
Telecommunications	75,000
University research	2,500,000
Information and data management	750,000
Total	8,703,000

The conferees direct that, of the funds available for advanced research and technology, $460,000 shall be made available for the "Transition Path Analysis" and Northwest Indiana Multimodal Freight System Analysis" project conducted by the Automotive Transportation Center at Purdue University.

Amendment No. 71: Provides that $3,184,000 of the appropriation shall remain available until expended for grants-in-aid to State natural gas pipeline safety programs as proposed by the Senate instead of $3,618,000 as proposed by the House.

OFFICE OF THE INSPECTOR GENERAL

Salaries and expenses

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 72: Appropriates $13,047,000 for necessary expenses of the Office of the Inspector General as proposed by the Senate instead of $14,826,000 as proposed by the House.

Amendment No. 73: Provides an additional $9,200,000 for necessary expenses of the Office of the Inspector General to be derived from funds available under 23 U.S.C. 104(a) as proposed by the Senate instead of $9,454,000 as proposed by the House.

TITLE II—RELATED AGENCIES ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Salaries and expenses

Amendment No. 74: Appropriates $2,000,000 instead of $1,821,000 as proposed by the Senate and $2,070,000 as proposed by the House. The conferees direct the Board to maintain a minimum of 25 positions.

CIVIL AERONAUTICS BOARD

Salaries and expenses

Amendment No. 75: Appropriates $27,000,000 instead of $26,266,000 as proposed by the Senate and $29,280,000 as proposed by the House.

Since the Airline Deregulation Act was signed into law, several airline mergers have been approved by the Civil Aeronautics Board. Numerous questions have arisen as to how successful these ventures have been and what impacts such mergers have had on employees and stockholders, the communities served, the traveling public, and the nation's air transport system in general. The conferees therefore direct the Civil Aeronautics Board and the Department of Transportation to undertake a joint study and report to the appropriate Congressional committees not later than January 15, 1982, on the effects of recent airline mergers on (1) the national air transportation system, (2) the potential effects on the system, (3) the probable consequences of those mergers and (4) any recommendations that might serve to avoid these problems in the future.

Payments to air carriers

Amendment No. 76: Appropriates $65,900,000 as proposed by the Senate instead of $58,000,000 as proposed by the House.

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided, That, notwithstanding any other provision of law, none of the funds appropriated by this Act shall be expended under section 406 for services provided after 95 days following the date of enactment of this Act to points which, based on reports filed with the Civil Aeronautics Board, enplaned an average of eighty or more passengers per day in the fiscal year ended September 30, 1981*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided, further, That, notwithstanding any other provision of law, payments under section 406, exclusive of payments for services provided within the State of Alaska, shall not exceed a total of $14,000,000 for services provided during the period between March 31, 1982, and September 30, 1982, and, to the extent it is necessary to meet this limitation, the compensation otherwise payable by the Board under section 406 shall be reduced by a percentage which is the same for all air carriers receiving such compensation: Provided further, That, notwithstanding any other provision of law, payments under section 406 for services provided within the State of Alaska during the period between March 31, 1982, and September 30, 1982, shall not exceed a total of $5,500,000 and, to the extent it is necessary to meet this limitation, the compensation otherwise payable by the Board under section 406 shall be reduced by a percentage which is the same for all carriers receiving such compensation: Provided further, That the foregoing limitations shall not apply to payments made pursuant to the requirements of section 419(a)(7)(A) nor shall such payments be reduced by virtue of such provision: Provided further, That the provisions of this paragraph shall be effective only until modified by subsequent legislation*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees believe that the section 406 program should be terminated. The funding provided in this conference agreement for section 406 is viewed as the final Federal compensation to be made available in order to facilitate an orderly close-out of this program.

PANAMA CANAL COMMISSION

Operating expenses

Amendment No. 79: Appropriates $400,754,000 as proposed by the Senate instead of $398,744,000 as proposed by the House.

Amendment No. 80: Provides that not more than $450,000 shall be available for operation of guide services instead of $272,000 as proposed by the House and $515,000 as proposed by the Senate.

Amendment No. 81: Provides that not more than $60,000 shall be available for the maintenance of a residence for the Administrator as proposed by the Senate. The House bill provided up to $60,000 for the maintenance of a residence as well as certain staffing.

Amendment No. 82: Provides that not more than $5,000,000 shall be available for maintenance and alteration of certain facilities instead of $3,724,000 as proposed by the House and $5,450,000 as proposed by the Senate.

Amendment No. 83: Provides that not more than $76,000 shall be available for expenses of the supervisory Board instead of $50,000 as proposed by the House and $80,000 as proposed by the Senate.

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

Investment in fund anticipation notes

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

DEPARTMENT OF THE TREASURY

Office of the Secretary

Investment in fund anticipation notes

(Including transfer of funds)

For the acquisition, in accordance with section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, and section 803 of Public Law 95-620, of fund anticipation notes, $67,500,000, of which $25,000,000 shall be derived from the unobligated balances of "Payments for Purchase of Conrail Securities".

The managers on the part of the Senate will move to cncur in the amendment of the House to the amendment of the Senate.

UNITED STATES RAILWAY ASSOCIATION

Administrative expenses

Amendment No. 85: Provides that the $13,000,000 appropriated for necessary administrative expenses shall remain available until expended as proposed by the Senate.

TITLE III—GENERAL PROVISIONS

Amendment No. 86: Limits commitments for grants-in-aid for airports to $450,000,000 as proposed by the Senate instead of $650,000,000 as proposed by the House. In addition to the specific projects identified in the House and Senate Committee reports, the conferees direct that priority consideration also be accorded to Scottsdale Municipal Airport at Scottsdale, Arizona; Jimmy Stewart Airport at Indiana, Pennsylvania; as well as airports at Dickinson, Williston and Bismarck, North Dakota.

Amendment No. 87: Limits obligations for State and community highway safety to $92,500,000 instead of $85,000,000 as proposed by the Senate and $100,000,000 as proposed by the House. The conferees direct the Department to retrench and recover any funds which may have been apportioned to the States in excess of the limitation contained in the conference agreement.

Amendment No. 88: Limits obligations for Federal-aid highways and highway safety construction programs to $8,000,000,000 instead of $7,700,000,000 as proposed by the Senate and $8,200,000,000 as proposed by the House.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes the word "and".

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert: *and $15,000,000 for the Bismarck-Mandan Bridge, $4,000,000 for the Steubenville-Weirton Bridge, and necessary funds required during fiscal year 1982 for the Dickey Road Bridge in East Chicago, Indiana, and the U.S. 12 Bridge over Trail Creek in Michigan City, Indiana*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 91: Deletes language proposed by the Senate increasing the obligational authority for emergency relief from $100,000,000 to $150,000,000.

Amendment No. 92: Deletes language proposed by the House making the availability of construction funds for the Dulles Airport Access Highway contingent upon the Commonwealth of Virginia agreeing to assume the responsibility for maintenance and operation of such extension.

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Sec. 311. None of the funds provided in this Act shall be used by the Interstate Commerce Commission to approve railroad branchline abandonments in fiscal year 1982 in any State in excess of 3 percentum of a State's total mileage of railroad lines operated: Provided, That this limitation shall not apply to any abandonment of Conrail railroad lines: Provided further, That exceptions to this limitation shall be made only upon the specific approval of each of the appropriate committees of Congress.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees concur in the language throughout the Senate Report regarding the serious impact of aggressive railroad branchline abandonments. Massive abandonments would be devastating to rural communities, to country grain elevators and other shippers. The ability of producers to transport their goods to market would be threatened and an overwhelming burden would be imposed on roads and bridges. The conferees have therefore agreed to a general provision which limits railroad branchline abandonments in fiscal year 1982 to 3 percent of any State's total mileage of railroad lines operated. Conrail lines are exempted from this provision and exceptions may be made upon the approval of each of the appropriate committees of Congress. This language has been broadened beyond the limited scope of the Senate bill in response to the numerous requests of Members of Congress.

The conferees urge the Interstate Commerce Commission to utilize its Section of Rail Services Planning to assist rail users in the area of branchline surcharges and rate increases. The burden of challenging these surcharges or increases is placed on shippers who are at a disadvantage because of a lack of knowledge of rail costing and operations. As a result, the services of Rail Services Planning are needed to help shippers evaluate and effectively challenge surcharges and increases that may be excessive.

The Staggers Rail Act specifies that a light-density line surcharge cannot exceed 100 percent of the reasonably expected costs of operating the line plus 110 percent of the variable cost of transporting the traffic involved to or from such line. The problem is that the Commission is only directed to define the first cost factor: reasonably expected costs. There is no specific procedure for calculating the variable costs. Without this second calculation a shipper cannot determine whether a surcharge exceeds the statutory limits and thereby effectively challenge a surcharge. The conferees urge the Commission to develop procedures for computing these costs. In addition, the Commission is urged to provide shippers with the underlying data needed to challenge a surcharge. Otherwise, the shipper would be placed at an extreme disadvantage with little chance of a successful challenge should a violation exist.

Amendment No. 94: Restores language proposed by the House designating the weeks of June 13 through July 4, 1982, as "National Clean-up and Flag-up America's Highways Weeks".

Amendment No. 95: Deletes language proposed by the House prohibiting a reduction in the number of civilian employees of the Coast Guard.

Amendment Nos. 96 and 97: Conform section numbers.

Amendment No. 98: Deletes language proposed by the House related to Washington National Airport. The conferees endorse the language contained on pages 83 through 87 of the Senate Appropriations Committee report regarding Metropolitan Washington Airports Policy.

Amendment No. 99: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *Restore the matter stricken by said amendment amended to read as follows:*

Sec. 324. None of the funds appropriated by this Act shall be used to implement, administer, or enforce Order 81-5-27 of the Civil Aeronautics Board or any other order of the Civil Aeronautics Board which prohibits or has the effect of prohibiting any U.S. air carrier from participating in the International Air Transport Association's North Atlantic Traffic Conference under its existing articles and provisions: Provided, That this limitation may be terminated by an appropriate resolution adopted by the House Public Works and Transportation Committee or the Senate Commerce Committee.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement concurs in the House language with a provision that this section shall be effective only until the subject of the Civil Aeronautics Board Order

81-5-27 is resolved by the House Public Works and Transportation Committee or Senate Commerce Committee. In taking this action, the conferees note that legislation is pending in these authorizing Committees with regard to the "sunset" of the CAB and related matters. The conferees also note that CAB Order 81-5-27 is the subject of oversight hearings in the House Public Works and Transportation Investigations and Oversight Subcommittee. In view of the Board's new leadership, pending legislation and oversight hearings, the conference agreement is intended to allow time for the House Public Works and Transportation Committee or the Senate Commerce Committee to adopt a resolution to continue or release the prohibition imposed on procedures by the CAB on Order 81-5-27. This should also allow time for the Administration to develop a coherent position on this and other issues related to international aviation policy. Pending further action by Congressional Committees, it is the intent of the conferees that the Board Order not go into effect for the duration of fiscal year 1982.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 325. Notwithstanding any other provision of law, the secretary shall, with regard to the Urban Discretionary Grant Program of the Urban Mass Transportation Administration, promptly issue a letter of intent for the Dade County, Florida, Circulator System for $63,642,666, and, in addition, shall promptly issue a letter of intent for nonrail projects in the Portland, Oregon, Metropolitan region for $76,800,000 and also issue a letter of intent for the Southeast Michigan Central Automated Transit System for 110 million 1981 dollars.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language directing the Secretary to issue a letter of intent for the nonrail transit projects in the Portland Metropolitan Region in the amount of $76,800,000. In keeping with the Department's policy, the letter of intent for section 3 funds will transfer the Department's section 3 commitment to nonrail transit projects in the region. It is the conferees' intent that funding of this new letter of intent should commence this year at the rate of $15,000,000 annually and that the region should compete equally with other cities for additional section 3 funds and that such UMTA decisions should not be prejudiced by the funds issued through this letter of intent. The conferees concur with House language directing UMTA to issue a full funding contract to Tri-Met in Portland for completion of the Banfield project to ensure completion of the project on schedule.

In order to avoid costly delays the conferees also direct UMTA to provide Tri-Met in Portland with a full funding contract as expeditiously as possible consistent with UMTA's December 22, 1980 letter of intent. The conferees expect and intend that the Banfield project will be completed on schedule.

In addition to the letters of intent contained in the Senate bill, the conferees direct the Secretary to promptly issue a letter of intent for the Central Automated Transit System in the Southeast Michigan Region. This system is a component of the integrated regional transportation plan, portions of which are already under construction, and will require a Federal funding commitment of 110 million 1981 dollars.

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert: *326*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number 325 named in said amendment, insert: *327*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number 326 named in said amendment, insert: *328*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number 327 named in said amendment, insert: *329*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1982 recommended by the Committee of Conference, with comparisons to the fiscal year 1981 amount, the 1982 budget estimates, and the House and Senate bills for 1982 follow:

New budget (obligational) authority, fiscal year 1981	$12,769,738,764
Budget estimates considered by House, fiscal year 1982	11,103,037,235
House bill, fiscal year 1982	11,090,306,439
Budget estimates considered by Senate, fiscal year 1982	9,776,966,927
Senate bill, fiscal year 1982	10,414,397,927
Conference agreement, fiscal year 1982	10,613,137,927
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1981	−2,156,600,837
Budget estimates of new (obligational) authority, considered by House, fiscal year 1982	−489,899,308
Budget estimates of new (obligational) authority, considered by Senate, fiscal year 1982	+836,171,000
House bill, fiscal year 1982	−477,168,512
Senate bill, fiscal year 1982	+198,740,000

ADAM BENJAMIN, Jr.,
WILLIAM LEHMAN,
MARTIN OLAV SABO,
LES AUCOIN,
WILLIAM H. GRAY III,
JAMIE L. WHITTEN,
CARL D. PURSELL,
Managers on the Part of the House.

MARK ANDREWS,
MARK O. HATFIELD,
THAD COCHRAN,
JAMES ABDNOR,
BOB KASTEN, Jr.,
ALFONSE M. D'AMATO,
LAWTON CHILES,
JOHN C. STENNIS,
ROBERT C. BYRD,
THOMAS F. EAGLETON,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MICHEL, a special order for 10 minutes for today.

(The following Member (at the request of Mrs. SNOWE) to revise and extend his remarks and include extraneous material:)

Mr. PAUL, for 1 hour, November 17, 1981.

(The following Members (at the request of Mr. FOWLER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.

Mr. DE LA GARZA, for 5 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. LAFALCE, for 20 minutes each day, on November 16, and 17, 1981.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 10 minutes, today.

Mr. PANETTA, for 10 minutes, today.

Mr. WYDEN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SNOWE) and to include extraneous matter:)

Mr. LEWIS.

Mr. KEMP.

Mr. GOODLING.

Mr. WEBER of Minnesota.

Mr. GINGRICH.

Mr. DANNEMEYER.

Mr. EVANS of Delaware.

Mr. DERWINSKI.
Mr. WINN.
(The following Members (at the request of Mr. FOWLER) and to include extraneous matter:)
Mr. OTTINGER.
Mr. BARNES.
Mr. LELAND in two instances.
Mr. KILDEE.
Mr. FORD of Michgan.
Mr. WIRTH.
Mr. AUCOIN.
Mr. MOFFETT.
Mr. FROST.
Mr. TRAXLER.
Mr. ROE.
Mr. CONYERS.
Mr. MINETA.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1322. An act to designate the U.S. Department of Agriculture Boll Weevil Research Laboratory Building, located adjacent to the campus of Mississippi State University, Starkville, Miss., as the "Robey Wentworth Harned Laboratory"; to extend the delay in making any adjustment in the price support level for milk; and to extend the time for conducting the referenda with respect to the national marketing quotas for wheat and upland cotton.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on November 12, 1981, present to the President, for his approval, bills of the House of the following title:

H.R. 4734. An act to recognize the organization known as the Italian American War Veterans of the United States; and

H.R. 4792. An act to amend title 10, United States Code, to improve the military justice system.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes p.m.) under its previous order, the House adjourned until Monday, November 16, 1981, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2518. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the transient aircraft maintenance function at Randolph Air Force Base, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2519. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-110, "To amend the District of Columbia Unemployment Compensation Act in order to implement the Multiemployers Pension Plan Amendments Act of 1980 and the Omnibus Reconciliation Act of 1980," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2520. A letter from the Secretary of Energy, transmitting a report on a study of alternatives to the Natural Gas Policy Act of 1978; to the Committee on Energy and Commerce.

2521. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system for the Army, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2522. A letter from the Comptroller General of the United States, transmitting a report on the merits and cost effectiveness of the proposed increase of the existing $50,112.50 executive pay cap to $57,500; to the Committee on Post Office and Civil Service.

2523. A letter from the Assistant Secretary of Energy for Conservation and Renewable Energy, transmitting the initial comprehensive wind energy program management plan, pursuant to section 4(a) of the Wind Energy Systems Act of 1980; to the Committee on Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 270. A resolution waiving certain points of order against the conference report on S. 815, a bill to authorize appropriations for fiscal year 1982, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test, and evaluation for the Armed Forces, to authorize appropriations for fiscal year 1982 for operations and maintenance expenses of the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve Component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for fiscal year 1982 for civil defense, and for other purposes (Rept. No. 97-328). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 271. A resolution providing for the consideration of House Joint Resolution 357, a joint resolution making further continuing appropriations for the fiscal year 1982, and for other purposes (Rept. No. 97-329). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 272. A resolution providing for the consideration of House Joint Resolution 349, a joint resolution to authorize the participation of the United States in a multinational force and observers to implement the Treaty of Peace between Egypt and Israel (Rept. No. 97-330). Referred to the House Calendar.

Mr. BENJAMIN: Committee of conference. Conference report on H.R. 4209 (Rept. No. 97-331). And ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STARK (for himself, Mr. DUNCAN, Mr. HOLLAND, Mr. FOWLER, Mr. RUSSO, Mr. MATSUI, Mr. HEFTEL, Mr. GUARINI, Mr. SCHULZE, Mr. VANDER JAGT, Mr. FORD of Tennessee, Mr. BAILEY of Pennsylvania, and Mr. BAFALIS):

H.R. 4961. A bill to make miscellaneous changes in the tax laws; to the Committee on Ways and Means.

By Mr. BEDELL:

H.R. 4962. A bill to amend title II of the Social Security Act to provide that no benefits thereunder may be paid to convicted criminals who are inmates of penal institutions; to the Committee on Ways and Means.

H.R. 4963. A bill to amend title II of the Social Security Act and chapters 2 and 21 of the Internal Revenue Code of 1954 to provide that the hospital insurance program shall hereafter be financed from general revenues rather than through the imposition of payroll taxes as at present, reallocating the future proceeds of such taxes to the old-age, survivors, and disability insurance program in order to assure the actuarial soundness of that program; to the Committee on Ways and Means.

H.R. 4964. A bill to amend title II of the Social Security Act to provide that the automatic cost-of-living increases in benefits thereunder shall be based either on increases in the Consumer Price Index or on increases in wages, whichever (in any particular case) is lower; to the Committee on Ways and Means.

By Mr. CRAIG:

H.R. 4965. A bill to provide for the minting of U.S. silver coins; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PHILIP M. CRANE:

H.R. 4966. A bill to provide for the confidentiality of medical and dental records of patients not receiving assistance from the Federal Government, and for other purposes; to the Committee on Energy and Commerce.

H.R. 4967. A bill to amend the Airport and Airway Development Act of 1970 to make privately owned public use airports eligible for assistance under the act; to the Committee on Public Works and Transportation.

H.R. 4968. A bill to provide that the Internal Revenue Service may not implement certain proposed rules relating to the determination of whether private schools have discriminatory policies; to the Committee on Ways and Means.

H.R. 4969. A bill to amend the Internal Revenue Code of 1954 to repeal the family shelter tax; to the Committee on Ways and Means.

H.R. 4970. A bill to amend the Internal Revenue Code of 1954 with respect to the deduction of charitable contributions to organizations from which the taxpayer or a member of his family receives services; to the Committee on Ways and Means.

H.R. 4971. A bill to amend the Internal Revenue Code of 1954 to clarify the stand-

ards used for determining whether individuals are self-employed for purposes of the employment taxes; to the Committee on Ways and Means.

H.R. 4972. A bill to amend the Internal Revenue Code of 1954 to reduce income taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. DE LUGO:

H.R. 4973. A bill to exempt certain charterboats in the U.S. Virgin Islands from the entry requirements of the customs laws; to the Committee on Ways and Means.

By Mr. KILDEE (for himself and Mr. GOODLING):

H.R. 4974. A bill to amend the Vocational Education Act of 1963 to provide comprehensive vocational guidance services and programs for States and local educational agencies; to the Committee on Education and Labor.

By Mr. PANETTA:

H.R. 4975. A bill to amend the Agricultural Fair Practices Act of 1967 to assure fair practices in agricultural bargaining; to the Committee on Agriculture.

By Mr. PHILIP M. CRANE:

H. Res. 273. Resolution to amend the rules of the House of Representatives to eliminate the limitations on outside earned income of Members of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HARTNETT introduced a bill (H.R. 4976) for the relief of Elizabeth Ann Jones, which was referred 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. 808: Mr. EVANS of Georgia, Mr. SYNAR, Mr. LANTOS, and Mr. DENARDIS.

H.R. 2203: Mr. MATTOX and Mr. EMERY.

H.R. 2832: Mr. HOWARD.

H.R. 3091: Mr. COUGHLIN.

H.R. 4247: Ms. MIKULSKI, Mr. OTTINGER, Mr. SOLOMON, Mr. MCCOLLUM, and Mr. DYSON.

H.R. 4248: Mr. OTTINGER, Mr. MARTIN of New York, Mr. SOLOMON, Mr. MCCOLLUM, and Mr. DYSON.

H.R. 4498: Mr. KASTENMEIER, Mr. FORSYTHE, Mr. OTTINGER, Mr. BEILENSON, Mr. O'BRIEN, Mr. FAZIO, Mr. NEAL, Mr. EDGAR, Mr. MINISH, Mr. WHITEHURST, Mr. JEFFORDS, Mr. FRENZEL, Mr. DENARDIS, Mr. MILLER of California, Mr. STOKES, Mr. PORTER, Mr. STARK, Mr. APPLEGATE, Mr. GINN, Mr. D'AMOURS, Mr. LEHMAN, Mr. BONIOR of Michigan, Mr. MORRISON, Mr. ERDAHL, Mr. SYNAR, Mr. DANNEMEYER, Mr. ADDABBO, Mr. BEVILL, Mr. MARLENEE, Mr. ZEFERETTI, Mr. GUARINI, Mr. MCEWEN, Mr. EDWARDS of Oklahoma, Mr. CARNEY, Mr. DANIELSON, Mr. HARKIN, Mr. RICHMOND, Mr. RAHALL, Mr. MCGRATH, Mr. SEIBERLING, Mr. DELLUMS, Mr. WEISS, Mr. SILJANDER, Mr. LAFALCE, Mrs. COLLINS of Illinois, Mr. BINGHAM, Mr. GIBBONS, Mr. CHAPPELL, Mr. FRANK, Mr. OBERSTAR, Mr. RINALDO, Mr. DANIEL B. CRANE, Mr. GARCIA, and Mr. PRITCHARD.

H.R. 4567: Mr. MITCHELL of Maryland.

H.R. 4617: Mr. FAUNTROY and Mr. WILLIAM J. COYNE.

H.R. 4673: Mr. O'BRIEN.

H.R. 4816: Mr. MITCHELL of Maryland, Mr. FOGLIETTA, Mr. GIBBONS, Mr. EDGAR, Mr. LOWRY of Washington, and Mr. OTTINGER.

H.R. 4842: Mr. MOORE, Mr. RITTER, Mr. DANNEMEYER, Mr. VANDER JAGT, Mr. STATON of West Virginia, Mr. CHENEY, Mr. SKEEN, Mr. PORTER, Mr. NEAL, Mr. OXLEY, Mr. BERNARD, Mr. LOTT, Mr. BEREUTER, Mr. FORSYTHE, and Mr. MCDADE.

H.J. Res. 293: Mr. HARTNETT, Mr. WORTLEY, Mr. ROEMER, Mr. MAVROULES, Mr. DYMALLY, Mr. STOKES, Mr. GREGG, Mr. ROSENTHAL, Mr. DANNEMEYER, Mr. GEPHARDT, Mr. DIXON, Mr. HOWARD, Mr. DE LA GARZA, Mr. ST GERMAIN, Mr. GILMAN, Mr. KASTENMEIER, Mr. PICKLE, Mr. MOORHEAD, and Mr. BAILEY of Pennsylvania.

H.J. Res. 318: Mr. ALBOSTA, Mr. ASHBROOK, Mr. BEARD, Mr. BEDELL, Mr. BEREUTER, Mr. BIAGGI, Mrs. BOUQUARD, Mr. BROWN of Colorado, Mr. CARMAN, Mr. CHAPPIE, Mr. CLINGER, Mr. COATS, Mr. COELHO, Mr. COLEMAN, Mr. CONYERS, Mr. JAMES K. COYNE, Mr. DREIER, Mr. DUNCAN, Mr. DYSON, Mr. EDGAR, Mr. ENGLISH, Mr. ERDAHL, Mr. ERTEL, Mr. FAUNTROY, Mr. FINDLEY, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FOWLER, Mr. GIBBONS, Mr. GONZALEZ, Mr. GRISHAM, Mr. GUNDERSON, Mr. HARKIN, Mr. HIGHTOWER, Mr. HOLLENBECK, Mrs. HOLT, Mr. HORTON, Mr. HUBBARD, Mr. JONES of Tennessee, Mr. KASTENMEIER, Mr. KEMP, Mr. LATTA, Mr. LEWIS, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. LOWERY of California, Mr. MARRIOTT, Mr. MCCOLLUM, Mr. MCDADE, Mr. MILLER of Ohio, Mr. MURPHY, Mr. NEAL, Mr. NICHOLS, Mr. NOWAK, Mr. OXLEY, Mr. PEPPER, Mr. PURSELL, Mr. REGULA, Mr. RINALDO, Mr. RITTER, Mr. ROBINSON, Mr. ROYBAL, Mr. SAVAGE, Mr. SHAW, Mr. SKELTON, Mr. SMITH of Pennsylvania, Mr. STANGELAND, Mr. STARK, Mr. STUMP, Mr. SUNIA, Mr. SYNAR, Mr. TAUZIN, Mr. VENTO, Mr. WALGREN, Mr. WALKER, Mr. WASHINGTON, Mr. WEBER of Ohio, Mr. WYLIE, Mr. WEBER of Minnesota, Mr. CORCORAN, Mr. HAMILTON, and Mr. ST GERMAIN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

271. The SPEAKER presented a petition of the Georgia Criminal Justice Coordinating Council, Atlanta, relative to Federal assistance for prison facilities; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

VOCATIONAL GUIDANCE ACT OF 1981

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. KILDEE. Mr. Speaker, this week marks the 16th observance of National Career Guidance Week; a recognition of the important efforts of the teachers, guidance counselors, and personnel workers who assist our citizens in their decisions about careers and career training. The theme of this year's observance, "Explore for the future," seems especially fitting as the House Elementary, Secondary, and Vocational Education Subcommittee of which I am a member proceeds with hearings on the reauthorization of the Vocational Education Act of 1963.

Today I am introducing, along with my colleague on the subcommittee, Mr. GOODLING, the Vocational Guidance Act of 1981. This bill would amend the Vocational Education Act to specify a vocational guidance component in the act and would reserve 6 percent of the act's State program funds for vocational guidance activities.

Research findings show that students who receive vocational counseling do better in vocational education courses, are more apt to successfully complete their training, and are more often successfully placed in jobs. Our current high unemployment rate has given vocational education new importance as a means to economic revitalization through more effective worker training. Vocational guidance has proven its importance to vocational education. The role of vocational guidance in vocational education should be enhanced. Congress recognized this in the last reauthorization of the act by specifying that 20 percent of a State's program improvement funds be reserved for purposes of vocational guidance. This comes to about 4 percent of the total Federal vocational education funds received by the States.

The Vocational Guidance Act would not result in any additional Federal expenditure. Rather, it would encourage States to augment and expand their vocational guidance program by earmarking funds for that purpose and by further identifying vocational guidance activities. The bill would bring vocational guidance personnel more fully into their rightful place in the Federal vocational education effort.

The text of the bill follows:

H.R. 4974

A bill to amend the Vocational Education Act of 1963 to provide comprehensive vocational guidance services and programs for States and local educational agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Vocational Guidance Act of 1981".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) when prevocational guidance and exploration programs are offered to middle school and junior high school youth, the result has been a qualitative as well as a numerical increase in vocational program enrollments at the secondary and postsecondary levels;

(2) when continued access to guidance and counseling services by those female students, minority students, handicapped students, and academically and economically disadvantaged students enrolled in vocational programs is assured, a higher rate of program approval and completion has been reported;

(3) when vocational programs have included counseling for employability development, human relations, work skill transferability, and job-seeking, job-finding, and job-keeping skills, the number of satisfactory graduate placements is significantly greater than the number of such placements recorded by programs without such counseling;

(4) when vocational programs have consistently provided comprehensive guidance services preceding, during, and following their tenure, the job market advantage of graduates has extended beyond the four years presently associated with those who terminate their formal education at the high school level;

(5) when guidance and counseling practitioners have had firsthand experience in business and industry, their effectiveness in providing career counseling, placement, and follow-up services has been greatly increased;

(6) in spite of the factors described in paragraphs (1) through (5), the potential contribution of guidance and counseling to effective vocational program delivery at the State level has yet to be fully realized in practice; and

(7) postsecondary educational institutions should be encouraged to consider establishing policies under which postgraduate credit is granted to students who are involved in progams which provide new or renewal experiences in business, industry, the professions, and other occupational pursuits which will better enable the students to carry out guidance, counseling, and instructional services.

(b) It is the purpose of this Act to increase the benefits to those enrolled in vocational education programs by amending the Vocational Education Act of 1963 to (1) specify comprehensive guidance components in all portions of such Act over which the States have jurisdiction; (2) designate such components as vocational guidance; and (3) authorize a minimum percentage of funds to be set aside for such purposes.

PURPOSES OF VOCATIONAL EDUCATION PROGRAM

SEC. 3. Section 101 of the Vocational Education Act of 1963 (20 U.S.C. 2301) is amended—

(1) in paragraph (3) thereof, by striking out "and" at the end thereof; and

(2) by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

"(4) provide comprehensive vocational guidance programs and services (including job development and placement services) to increase the capacity of youth and adults to benefit from vocational education, and".

FUNDING FOR VOCATIONAL GUIDANCE ACTIVITIES

SEC. 4. Section 102 of the Vocational Education Act of 1963 (20 U.S.C. 2302) is amended by adding at the end thereof the following new subsection:

"(e) Of the total amounts appropriated for State programs of vocational education in this section, at least 6 percent of the funds allocated shall be reserved to carry out (1) vocational guidance activities described in section 120(b)(1) and in section 125; and (2) other vocational guidance requirements specified in other provisions of this Act.".

ALLOTMENTS AMONG STATES

SEC. 5. Section 103(a)(2) of the Vocational Education Act of 1963 (20 U.S.C. 2303(a)(2)) is amended—

(1) in subparagraph (A) thereof, by striking out "50 per centum" and inserting in lieu thereof "42 per centum" and by striking out "fifteen to nineteen" and inserting in lieu thereof "eleven to seventeen";

(2) in subparagraph (B) thereof, by striking out "20 per centum" and inserting in lieu thereof "28 per centum" and by striking out "twenty to twenty-four" and inserting in lieu thereof "eighteen to thirty-four"; and

(3) in subparagraph (C) thereof, by striking out "twenty-five to sixty-five, inclusive" and inserting in lieu thereof "thirty-five or older".

STATE AND LOCAL ADVISORY COUNCILS

SEC. 6. (a) Section 105(d)(4)(A) of the Vocational Education Act of 1963 (20 U.S.C. 2305(d)(4)(A)) is amended by inserting "vocational guidance," after "vocational rehabilitation,".

(b) The last sentence of section 105(g)(1) of the Vocational Education Act of 1963 (20 U.S.C. 2305(g)(1)) is amended by inserting "vocational instruction and guidance" after "established for".

GENERAL APPLICATION

SEC. 7. Section 106(a)(8) of the Vocational Education Act of 1963 (20 U.S.C. 2306(a)(8)) is amended—

(1) by inserting "vocational guidance programs under section 125," after "except"; and

(2) by striking out "in making" and all that follows through the end thereof and inserting in lieu thereof "planned prevocational experiences designed to enable them to make informed and meaningful occupational preparation choices;".

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

FIVE-YEAR STATE PLANS

SEC. 8. (a) Section 107(a)(1) of the Vocational Education Act of 1963 (20 U.S.C. 2307(a)(1)) is amended—

(1) by redesignating subparagraph (B) through subparagraph (J) as subparagraph (C) through subparagraph (K), respectively;

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) a representative of the State agency (if such separate agency exists) having primary responsibility for school guidance and counseling programs, designated by such agency;";

(3) in subparagraph (J) thereof, as so redesignated in paragraph (1), by striking out "and" at the end thereof;

(4) in subparagraph (K) thereof, as so redesignated in paragraph (1), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(5) by inserting after subparagraph (K) thereof, as so redesignated in paragraph (1), the following new subparagraph:

"(L) a representative of practicing secondary school counselors, as determined by State law.".

(b) Section 107(b)(2)(A)(iii) of the Vocational Education Act of 1963 (20 U.S.C. 2307(b)(2)A)(iii)) is amended by striking out "allocations" and all that follows through "opportunities" and inserting in lieu thereof "assignment of responsibility for the offering of those courses, training opportunities, and guidance services,".

(c) Section 107(b)(2)(A)(iv) of the Vocational Education Act of 1963 (20 U.S.C. 2307(b)(2)(A)(iv)) is amended by inserting "guidance services," after "opportunities,".

(d) Section 107(b)(4)(B) of the Vocational Education Act of 1963 (20 U.S.C. 2307(b)(4)(B)) is amended by inserting "guidance and training" after "meet the".

FEDERAL AND STATE EVALUATIONS

SEC. 9. Section 112(b)(1)(B) of the Vocational Education Act of 1963 (20 U.S.C. 2312(b)(1)(B)) is amended—

(1) in clause (i) thereof, by striking out "and" at the end thereof;

(2) in clause (ii) thereof, by inserting "current" after "their" and by adding "and" at the end thereof; and

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

"(iii) exhibit desirable skills related to employability, as determined jointly by employees, educators, and employers.".

BASIC GRANT AUTHORIZATION

SEC. 10. Section 120(b)(1) of the Vocational Education Act of 1963 (20 U.S.C. 2330(b)(1)) is amended—

(1) in subparagraph (H) thereof, by inserting ", support, and follow-up" after "placement";

(2) in subparagraph (I) thereof, by inserting "and other prevocational" after "arts";

(3) in subparagraph (L) thereof—

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

(B) by inserting "and" at the end of clause (iv); and

(C) by inserting after clause (iv) the following new clause:

"(v) persons seeking skills enabling midcareer changes, such as early retirees;";

(4) by redesignating subparagraph (N) and subparagraph (O) as subparagraph (O) and subparagraph (P), respectively; and

(5) by inserting after subparagraph (M) the following new subparagraph:

"(N) vocational guidance and counseling programs and services as described in section 125;".

COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

SEC. 11. Section 122(d) of the Vocational Education Act of 1963 (20 U.S.C. 2332(d)) is amended—

(1) by striking out "ancillary" and inserting in lieu thereof "support"; and

(2) by inserting "counselors," after "coordinators,".

RESIDENTIAL VOCATIONAL SCHOOLS

SEC. 12. Section 124(a) of the Vocational Education Act of 1963 (20 U.S.C. 2334(a)) is amended by adding at the end thereof the following new sentence: "All students in residence shall be provided appropriate guidance and training.".

VOCATIONAL GUIDANCE AND COUNSELING UNDER BASIC GRANTS

SEC. 13. Subpart 2 of part A of the Vocational Education Act of 1963 (20 U.S.C. 2330 et seq.) is amended by adding at the end thereof the following new section:

"VOCATIONAL GUIDANCE AND COUNSELING

"SEC. 125. In accordance with the provisions of section 102(e), programs for vocational guidance and counseling shall include—

"(1) initiation, implementation, and improvement of high quality vocational guidance and counseling programs and activities;

"(2) vocational counseling for children, youth, and adults, leading to a greater understanding of educational and vocational options;

"(3) provision of educational and job placement services, including programs to prepare individuals for professional occupations or occupations requiring a baccalaureate or higher degree, including follow-up services;

"(4) vocational guidance and counseling training and work experiences designed to acquaint guidance counselors with (A) the requirements of employers, businesses, and industries; (B) the changing work patterns of women; (C) ways of effectively overcoming occupational sex stereotyping; and (D) ways of assisting girls and women in selecting careers solely on their occupational needs and interests, and to develop improved career counseling materials which are free of bias;

"(5) vocational and educational counseling for youth offenders and adults in correctional institutions;

"(6) vocational guidance and counseling for persons of limited English-speaking ability;

"(7) establishment of vocational resource centers to meet the special needs of out-of-school individuals, including individuals seeking second careers, individuals entering the job market late in life, handicapped individuals, individuals from economically depressed communities or areas, and early retirees; and

"(8) leadership for vocational guidance and exploration programs at the local level.".

RESEARCH PROGRAMS

SEC. 14. (a) Section 131(a) of the Vocational Education Act of 1963 (20 U.S.C. 2351(a)) is amended—

(1) in paragraph (1) thereof, by striking out "and development", and by inserting "and career development" after "education"; and

(2) in paragraph (2) thereof, by striking out "test" and all that follows through "overcome" and inserting in lieu thereof "replicate or install useful research methodologies and findings, including effective guidance components of vocational programs, programs which show promise of overcoming".

(b) Section 131(b) of the Vocational Education Act of 1963 (20 U.S.C. 2351(b)) is amended by inserting "and guidance" after "teaching".

EXEMPLARY AND INNOVATIVE PROGRAMS

SEC. 15. Section 132(a)(5)(A) of the Vocational Education Act of 1963 (20 U.S.C. 2352(a)(5)(A)) is amended by inserting "prevocational guidance and counseling" before "programs".

CURRICULUM DEVELOPMENT

SEC. 16. Section 133(a) of the Vocational Education Act of 1963 (20 U.S.C. 2353(a)) is amended—

(1) in paragraph (1) thereof, by striking out "and" at the end thereof;

(2) in paragraph (2) thereof, by inserting "and counselors" after "teachers", and by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

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

"(3) the review and development of materials or systems which can effectively catalogue and disseminate new or existing occupational information, job-seeking, job-finding, and job-keeping skills, and other tools necessary to vocational maturity.".

ADDITIONAL VOCATIONAL GUIDANCE AND COUNSELING

SEC. 17. Section 134 of the Vocational Education Act of 1963 (20 U.S.C. 2354) is amended to read as follows:

"VOCATIONAL GUIDANCE AND COUNSELING

"SEC. 134. In addition to the provisions of section 102(e), and as described in section 125, programs for vocational guidance and counseling shall use funds which have been set aside for such purpose, insofar as is practicable, for funding programs, services, or activities by eligible recipients which bring individuals with experience in business and industry, the professions, and other occupational pursuits into schools as counselors, teachers, or advisors for students, and which bring students into the work establishments of business and industry, the professions, and other occupational pursuits for the purpose of acquainting students with the nature of the work that is accomplished in such pursuits, and for funding projects of such recipients in which guidance counselors and other vocational personnel obtain new or renewal experiences in business and industry, the professions, and other occupational pursuits which will better enable these individuals to carry out their guidance, counseling, and instructional duties.".

VOCATIONAL EDUCATION PERSONNEL TRAINING

SEC. 18. Section 135(a) of the Vocational Education Act of 1963 (20 U.S.C. 2355(a)) is amended—

(1) in paragraph (1) thereof, by inserting "and counselors" after "teachers" the first place it appears therein, and by inserting "and counselors," after "teachers" the last place it appears therein;

(2) in paragraph (2) thereof, by inserting ", counselors," after "teachers"; and

(3) in paragraph (3) thereof, by inserting ", counselors," after "teachers".

DEFINITION

SEC. 19. Section 195 of the Vocational Education Act of 1963 (20 U.S.C. 2461) is amended by adding at the end thereof the following new paragraph:

"(22) The term 'vocational guidance' means those services and programs which

are coordinated by professional counselors with appropriate credentials and which focus upon—

"(A) the unique guidance, placement, and follow-up needs of individuals enrolled in vocational programs; and

"(B) the prevocational counseling and orientation of other individuals who could benefit from the pursuit of skills in fields which do not require a baccalaureate degree for entry.".●

VIETNAM VETERANS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. FROST. Mr. Speaker, I rise today to acknowledge the courage and devotion of those men and women who fought and died for this country. I am especially proud to salute on this day our most recent group of soldiers—and often, most misunderstood. I speak of those who served in Vietnam.

Included in this massive group are nearly 60,000 who never returned home. Among the survivors are hundreds of thousands who have managed to put their lives back together. Even so, countless others remain physically and psychologically scarred as a result of their ordeal. The common bond of these veterans—indeed, all veterans—is their tremendous courage, personal sacrifice, and devotion to duty and country.

Perhaps, Vietnam was no more gruesome than any other war that has plagued this Nation. However, it is certainly the most vivid of wars for Americans living today. Those who stayed at home remember the news reports, camera footage, and still shots of confrontation and bloodshed. And for our soldiers there are the images of fallen comrades, the sense of an approaching enemy, and the smell of gunfire and atomic warfare. This Nation must not forget either those who were made stronger by the awesome experience or those who still suffer tremendously from the brutalities of the war.

We must honor their sacrifice and devotion to country. Moreover, we must acknowledge the fact that they still have so much to offer the Nation, their communities, and families. When I speak of expressing our appreciation and respect for these men and women I refer not so much to a structure, although I wholeheartedly support and anxiously await the dedication of the Vietnam Veterans Memorial near the site of the Lincoln Memorial next fall. Rather, I call for a body of actions from this 97th Congress that will help to advance the stations of Vietnam veterans and their dependents.

Specifically, we must fight those efforts which would sacrifice quality health and hospital care for all veterans in order to balance the budget. We must assure proper medical attention for those Vietnam veterans who were exposed to agent orange and other hazardous chemical substances. At the same time, we must continue our efforts to see that the psychological and readjustment needs of Vietnam veterans are addressed. Above all, we must support those programs that mean improved educational and job opportunities for Vietnam veterans.

The Vietnam Veterans in Congress has played an active role in impressing these issues on our national consciousness. I am proud to be a member of this organization and to have this opportunity to extol the courage and tremendous personal sacrifice of those men and women who served in Vietnam.●

INNOVATIVE INFILLS BOOST PRESERVATION

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. AuCOIN. Mr. Speaker, early this year, the historic preservation fund was targeted for extinction by the administration. However, both the House and Senate Appropriations Committees understand the value of Federal preservation programs and committed $26.5 million to fund the Government's commitment to such programs.

In the November issue of Preservation News, published by the National Trust, Michael Alesko writes of the restoration going on in Portland, Oreg. He is currently an administrative aide to Portland City Council member Margaret Strahan and he formerly covered historic preservation and urban planning issues for the Oregonian. I would like to share this article with my colleagues and let them see the potential which exists in their hometowns.

INNOVATIVE INFILLS BOOST PRESERVATION

(By Michael Alesko)

Dubbed "the most exciting project that has come to downtown Portland, Oregon, in the last several years" by one Portland City Council member, the $6 million Yamhill Marketplace development that broke ground in September also typifies perfectly the new directions of Portland's healthy and greatly diversified preservation scene.

The city's Historic Landmarks Commission and attendant landmark preservation ordinance date to 1968. Local preservationists spent much of their time over the following decade in a diligent effort to save historic structures by inventorying them and getting the city council to designate them as official city landmarks. That list now totals nearly 200 buildings. While designation was the immediate need to ensure a preservation base, other efforts were proceeding in such areas as public financing of private preservation efforts and raising the public's consciousness about preservation.

As 1981 draws to a close, the combined public and private efforts have branched out into such areas as historically compatible infill development in downtown historic districts, represented by local developer N. Robert Stoll's Yamhill Marketplace and other infill projects now under way.

The six-block downtown Yamhill Historic District, listed in the National Register of Historic Places, has been blighted for years by a parking lot spanning three-fourths of a block in the small district's heart. Stoll and his partners are filling that space with a two-story retail complex that will house about 100 merchants, including open-air market stalls, cafes, major restaurants and retail vendors in an historially sensitive environment. Retractable exterior walls and a public roof garden will merge the market activity directly into the surrounding historic district. The project is expected to bring certain day-and-night vitality into the area.

The Yamhill Marketplace, designed by the Ragland Hagerman Partnership, will reintroduce in the Yamhill Historic District the farmers' market type of activity that predominated there in Portland's early history and continued well into this century. An infill office and retail development that is underway across the street from Stoll's project will combine with the marketplace to fill all of the historic district with built space. Infill activity is also under way in downtown Portland's other historic district—the National Historic Landmark Skidmore-Old Town District.

ESSENTIAL INGREDIENT

"Infill in our historic districts is tough," commented Leo D. Williams, preservation coordinator in Portland's Bureau of Planning. "Infill projects don't get the tax breaks and publicly subsidized loans that restoration efforts get and they are encumbered by such rules in the historic districts as height limits. But to me, infill is the essential ingredient needed in our historic districts. It adds the new vibrance. It puts teeth back into a toothless smile in these districts."

On a corner of the Yamhill Marketplace block, developer John Russell's restoration of the italianate stucco 1884 Thomas Mann Building symbolizes other facets of the Portland preservation effort. In rescuing the abandoned building from total neglect and blight on the historic district, Russell also added to it two stories of rental housing in the form of eight attractive market-rate rental apartments.

The project is the first to add on to a landmark downtown building and the first to offer new middle-income rental housing in the downtown core. Using research and suggested elevations by restoration architects Allen McMath Hawkins, the project architects, Zimmer, Gunsul, Frasca Associates were able to replicate some of the original facade styles of the historic district in both the main part of the since-altered building and the added-on portion. Although work on the building is not yet complete, the ground-floor retail space is occupied and so are the apartments—at rents higher than those commanded by modern downtown Portland apartment towers. "Housing is essential downtown if we are to make that area in general and historic districts in particular vital day-and-night places," Russell said.

Both the Yamhill Marketplace and Thomas Mann projects illustrate the creative use of public assistance in Portland for preservation efforts in recent years. Each received Federal Urban Development Action Grants through the city ($250,000 for

Thomas Mann; $1.2 million for Yamhill Marketplace) that were conveyed in the form of low-interest project loans. The Thomas Mann project also received a 15-year tax freeze from the Oregon State Historic Preservation Office and a $250,000 three-percent loan from the Portland Development Commission for its housing portion.

The Yamhill Marketplace garnered a $250,000 three-percent loan from the development commission's Urban Conservation Fund, which was established specifically to finance preservation-related efforts. The PDC loans are almost ironic, considering that the commission is best known as Portland's urban renewal agency.

Also symbolizing the new health of the Portland landmark preservation scene was the announcement in September that investors had acquired the 1872-vintage Italianate-style New Market Theater building in the Skidmore-Old Town Historic District. They intend to fully restore it to its original design and convert its present interior (a parking garage) into retail and office space.

The building, in a terrible state of neglect, is one of the most important structures in Portland history. It was the center of the city's early cultural life, serving as the first home of the city's symphony orchestra, home of the city's first major live theater and home of the first major produce market.

"We've been working on saving this building since the landmarks program began," said Leo Williams. "It has been under condemnation at various times and is probably recognized as the prime building in the historic district."

Portland's full-circle preservation effort of recent years is not only a story of buildings. The planning bureau and landmarks commission are halfway through a two-year project to create a historic resources inventory. It will result in a computer information bank, including more than 2,000 structures in the city. The information will be used in designating additional landmarks, in helping city bureaus plan neighborhood improvements and in helping neighborhoods learn about items of historic value they might not otherwise recognize.

PRESERVATION WEEK

The landmarks commission for the past three years has directed a local effort to commemorate National Preservation Week each May. Portland activities include historic neighborhood tours, exhibits on city history and an awards program recognizing significant Portland preservation efforts, such as John Russell's.

Also, established three years ago was the Portland Architectural Preservation Gallery, an effort of the Junior League of Portland. Operated exclusively by volunteers, the gallery is a measuring point of Portland's growing awareness of and involvement in the preservation area. It drew 3,000 visitors in its first year and about 8,500 to its most recent exhibit.

Not to be overlooked in the fabric of the local preservation tapestry are two projects that technically are modern construction—Pioneer Courthouse Square and the Portland Public Service Building. Both reflect the city's historic heritage—with the Public Service Building (photo on page 1) by renowned Princeton, N.J., architect Michael Graves likely to be regarded nationally as a landmark example of post-Modern architecture.

Pioneer Courthouse Square is a public plaza being built on what was until recently a parking garage. The plaza covers a full block in the busiest area of the downtown core. It is oriented to the Pioneer Courthouse, an 1875 National Historic Landmark that is across the street. To recall the city's history, the square will contain the original gate from the Portland Hotel, which occupied the square's site for decades until 1951, when it was torn down to make way for the parking lot.

The design of the square, which was the result of a national competition won by a five-member interdisciplinary team headed by Portland architects Martin, Soderstrom and Matteson, will feature ornamental elements harking back into city history, among them classical park benches, stoa columns, arch features and bronze entry gates.

NEW LANDMARK

The 15-story Portland Public Service Building is under construction on a block that is flanked by the landmark four-story 1895 Portland City Hall and the seven-story 1913 Multnomah County Courthouse, both of which are classical in appearance. With its historical allusions and luxurious style, rich in blue, green, brown and cream colors, the Graves building has been hotly debated in the international architectural and popular press as perhaps the hallmark of the current post-Modern style of architecture—essentially representing a neo-classical framework. It is to be completed in the fall of 1982.

Urban design, planning, architecture and history buffs predict that Graves' Public Service Building will be a landmark of the first degree, for its bold representation of post-Modernism. The building brings home the fact that Portland's landmark scene is a rich blend of the old and the new.●

A TRIBUTE TO STANLEY DUNN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. ANDERSON. Mr. Speaker, I feel confident in saying that the South Bay area of California that I represent is blessed with several excellent public school systems including the Torrance Unified School District. This school system is served by very capable teachers, administrators, support personnel, and is directed by an excellent board of education. I would like, today, to pay tribute to one of the members of that board of education, Mr. Stanley Dunn, for Stanley is retiring from the board after 12 years of exemplary service.

Stanley is a native southern Californian, born in Hermosa Beach, and raised and educated in the South Bay area. After completing high school, Stanley studied at the University of Southern California and the University of California at Santa Barbara before obtaining his law degree from the University of California, Hastings College of Law. Stanley chose printing as his occupation and is owner-partner of Dunn Brothers' Commercial Printers in Gardena, Calif.

Perhaps the most important quality a good school board member must possess is a consistent and dedicated interest in the community as a whole as well as in its educational system. Stanley has demonstrated this commitment continually, having served as chairman of the city of Torrance Youth Welfare Commission, president of the Alcoholism Council of South Bay, and president of the South Bay-Harbor Industry-Education Council. He has been affiliated with such community organizations as the city of Torrance Charter Review Committee, the YMCA, the American Youth Soccer Organization, the Torrance Area Chamber of Commerce, and the Riviera Little League.

My wife, Lee, joins me in thanking Stanley for all he has done for the community and wish him and his wife, Marlene, along with their children, Theresa, John, Bob, and Mike, the best in the years ahead.●

QUALITY EDUCATION IN UNIVERSITY SYSTEM IN CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. LEWIS. Mr. Speaker, the following essay is the work of a college student and constituent of mine from Rancho Mirage, Calif. I commend his work to my colleagues for it is an outstanding illustration of the results of quality education of our university system in California:

To begin with, let me introduce myself. My name is Remulak and I will be answering this essay question for my Earthling friend, Rob.

He is quite an amiable chap, as he supplied me with comfortable sleeping quarters and plenty of solid and liquid refreshment and calmed me after my spaceship crashed here one week ago.

Upon my arrival, Rob asked only one thing of me in exchange for his generosity: To view the audio/visual medium know as television for one Earth week and to describe to him what conclusions I reached about American culture. Being a citizen of outstanding stature on the planet Belzar in the galaxy Cronolia, I feel that I have good judgment (I also have super-human intelligence).

The first thing that I noted about Americans through my television experience is that they must be a totally violent people. A very large percentage of the programs I viewed were directly concerned with violent acts.

Not only was this completely repulsive to me (Belzar being a peaceful planet) but it became completely repulsive when I realized that the violent acts were often the sources of humor (which captivated totally the audience) in children's programing.

I found these violent themes throughout children's television especially in the celluloid-animation form known to Earthlings as cartoons. Such cartoons as "The Bugs

Bunny/Road Runner Hour" and "Tom and Jerry" were particularly appalling to me.

The only plot that I could detect was that of trying to mangle one of the characters. Often they resembled an accordian or a pancake. In contrast, on Belzar, the only thing our children view on the "video-feelies" (which is more advanced than TV) is educational, artistic and athletic programs.

Obviously, this bombardment of violence on children isn't enough to develop an affinity between Americans and violence. However, adult programming assures it. Such shows as "Baretta," "The Rifleman" and "Starsky and Hutch" are concerned only with America's taste for "good" violence. Strangely, all the exposure to violence made me want to "shoot it out" with the bad guy too.

The other thing that I gathered about Americans is that they must have a very low "mentality." I conjectured this after watching such programs and "BJ and the Bear" and "Enos." Not only is the story line dull and repetitious to me but these shows must insult even the average human intelligence.

Another interesting facet of American culture that I discovered through Television is an obsession with fantasy. Daytime television is chiefly "soap-operas" and "game shows." As far as I can perceive the only "purpose" these shows serve would be to lull the public into believing a false world of fantasy and excitement.

The most curious and bizarre part of American television to me is the phenomenon known as the commercial. Never on Belzar had I encountered anything so obnoxious. American television is bad enough without constant interruption by such characters as an extremely strange man named Cal Worthington and his pseudo-dog Spot. These commercials convinced me that Americans must be simple, inefficient, competitive and materialistic creatures.

Another curious aspect of American culture relayed through television is religion. It was very amusing to view a culture whose foundation is freedom to pursue any faith, yet, its largest communications medium devotes only a few hours of time-space (when many are sleeping) to this type of free expression.

Of course I realize that I have been very critical of American television. Although I have been fair in my opinions thus far, I must also reveal what I found to be beneficial about television. Several "educational" shows, especially some on PBS, I quickly adhered to. "Nova," "Masterpiece Theater" and "In Search Of . . ." were a few programs I particularly enjoyed.

It also has to be said that many "news" type broadcasts seemed informative as well as "Wide World of Sports" which dealt with Earth athletics. Even certain comedy shows such as "MASH" and "Mork and Mindy" seemed to reflect the best of American culture. These shows all focused my attention on the most curious quality of American culture: Humanity.

This "humanity" however, seems clouded by increasing complexity, competition and materialism. I feel that Americans should reassess their true desires and beliefs and structure their most powerful communications medium—television—around the betterment of society rather than materialistic concerns.

As I conclude my judgment of American culture through television, I see that my friend Rob is preparing a chart to accompany this essay. He now has asked me whether the statistics of this chart are good representations of what actually appears on television.

My answer is both "yes" and "no". It is very revealing in that violence-oriented shows occur much more in programming than news, education and religion. However, the chart is also limited because it does not have a true sensitivity for several things. First, it cannot judge the content of particular programs.

Also it is not subject to the constant bombardment of commercial upon commercial. Most importantly, however, it cannot describe the strong influencing effect that particular programs might have upon the American mind.

Mr. Speaker, it is with great pride that I commend Robert Gilley to the House of Representatives for his excellent essay and wish him future success in his endeavors at the University of California at San Diego.●

PERSONAL EXPLANATION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. NELSON. Mr. Speaker, due to official business in my district associated with the launching of the Space Shuttle *Columbia*, I was not present to vote earlier today on the motion to approve the Journal for Tuesday, November 10, 1981. Had I been present, I would have voted "yes" on rollcall 295.●

REAGAN AND HUMAN RIGHTS

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. MOFFETT. Mr. Speaker, El Salvador has once again hit the front pages of our newspapers, as the administration considers new options to deal with the apparent stalemate between the junta and the rebel forces. The declining popularity of the junta and the low morale of the armed forces are among the factors cited in explaining this phenomenon. While we all hope and expect that the talk of military action in Central America is no more than just talk, it would not be surprising to see the administration offer additional security assistance to El Salvador.

I would like to take this opportunity to remind my colleagues of the gross human rights violations in El Salvador, and of the fact that section 502B of the Foreign Assistance Act of 1961 prohibits security assistance to "any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights." Government security forces in El Salvador—especially the treasury police and the army—continue to terrorize the countryside, torturing and murdering noncombatants as well as guerrillas. The Reagan administration's apparent violation of section 502B has prompted me and several of my colleagues to file a law suit against the administration for providing military aid to the Salvadoran junta. This aid surely violates the spirit and intent, if not the letter, of section 502B.

Administration policy in El Salvador seems to reflect a broader, and more disturbing, tendency to ignore human rights considerations in pursuit of an illusory "strategic consensus." The following editorial by Aryeh Neier, vice chairman of the Helsinki Watch Committee and the Americas Watch Committee, appeared recently in the New York Times. The article elaborates the Reagan administration's consistent refusal to comply with the laws, established by Congress, to insure that U.S. arms and assistance are not used to further the cause of repression and tyranny around the world.

[From the New York Times]

OF REAGAN AND RIGHTS

(By Aryeh Neier)

According to a State Department policy memo recently approved by Secretary of State Alexander M. Haig, Jr., "Human rights is at the core of our foreign policy." Public disclosure of this memo seems to have ruffled feathers elsewhere in the Administration. James A. Baker 3d, the White House chief of staff, dealt with the matter on a television program by attempting to downgrade the memo, saying it did not constitute "any significant change in policy."

It is President Reagan's prerogative, of course, to embrace the department's memo on human rights enthusiastically or to repudiate it. However, whatever policy he follows, he must comply with laws of the United States intended to promote human rights internationally. Up to now, such laws have been disregarded.

Here is the record.

The Administration has disregarded Section 502B of the Foreign Assistance Act. It requires the United States to deny "security assistance," including sales of defense equipment, to governments that engage in "a consistent pattern of gross violations of internationally recognized human rights." Hardly any country fits this criterion better than Guatemala, where, as the Inter-American Human Rights Commission of the Organization of American States has recently reported, the Government is assassinating thousands of teachers, priests, lawyers, journalists, and leaders of Indian and peasant organizations, unions, and opposition parties. Yet in June, the Administration sold $3.2 million worth of trucks and jeeps to Guatemala after removing this equipment from the "Security" assistance list.

The administration has disregarded Section 701 of the International Financial Institutions Act. It requires United States representatives at multilateral development banks to oppose loans to governments engaging in a "consistent pattern of gross violations of internationally recognized human rights." This law specifies that gross violations include: "torture or cruel, inhumane,

or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of the person."

Disregarding this law, the United States has recently voted, in multilateral development banks, for loans to Argentina, Chile, Paraguay, South Korea, and Uruguay, even though the State Department's own published reports show that all these countries have engaged in the specified violations. For example, the Argentine Government admits that it holds some 900 people in prolonged detention without charges; in addition, it refuses to account for the "disappearances" of an estimated 20,000 people in the last five years.

The administration has disregarded Public Law 96-259, as amended in 1980. It requires that: "The Secretary of the Treasury or his delegate shall consult frequently and in a timely manner with the chairman and ranking minority members [of several specified Congressional committees] to inform them regarding any prospective changes in policy direction toward countries which have or recently have had poor human rights records."

The first notice to Congress of a change in policy was a letter from a Treasury official, W. Dennis Thomas, dated July 1, 1981, and received by the House Banking Committee on Friday, July 3, when many members of Congress had already left Washington for the holiday weekend. Votes on a $300 million loan to Argentina and a $40 million loan to Uruguay (which, since the 1973 coup, probably has had, per capita, the largest number of political prisoners in the world) took place on Tueaday, July 7. The vote on a $126 million loan to Chile took place on July 8. As the administration was aware, Congress would be in recess that week.

For a long period, the administration disregarded Section 624(f) of the Foreign Assistance Act. It provides that: "There shall be in the Department of State an Assistant Secretary of State for Human Rights and Humanitarian Affairs." In early June, President Reagan's first nominee for the post, Ernest W. Lefever, withdrew following a 13-4 vote by the Senate Foreign Relations Committee to reject his nomination. Now, five months later the President has finally nominated a candidate, Elliot Abrams, to fill the post.

The Abrams nomination is a welcome sign to advocates of human rights both because it is associated with implementation of the policies called for in the State Department memo and, more important, because it is a beginning step in complying with the laws intended to promote human rights. In determining whether to confirm Mr. Abrams, the Senate should satisfy itself that he will see it as his first duty to make certain the Mr. Reagan and the administration fulfill that constitutional mandate that "he take care that the laws be faithfully executed."●

A TRIBUTE TO HALSEY C. BURKE

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. MINETA. Mr. Speaker, it gives me great pleasure to rise today on behalf of Congressman DON EDWARDS and myself to salute Mr. Halsey C. Burke who is being honored by the Santa Clara County Boy Scout Council on November 24, 1981, with their 1981 Distinguished Citizen's Award.

We have known and worked with Halsey for many years and have always found him to be the kind of person that we can all learn from. His life shows numerous examples of community service and can serve as a role model for many young people growing up today.

Halsey was born in 1922 and was first introduced to community service when he joined Boy Scout Troop 25 which was sponsored by the Willow Glen Methodist Church. He earned many badges and attained the rank of Star Scout.

Throughout his life, he has always found the time to give of himself to community service. He has been extremely active in Rotary, having served as president of Rotary Club of San Jose, district governor of District 517 and chairman or member of various clubs, district and Rotary International committees. Other community activities have included: president, United Way of Santa Clara County; president, San Jose Chamber of Commerce; member, Music and Arts Foundation Board; member, Retirement Jobs, Inc. board; trustee, Good Samaritan Hospital; founding chairman, president's council, San Jose State University; president, San Jose Employees' Council; director, Boys' City Club; director, American Red Cross; Executive Board, Boy Scouts of America, and director, Santa Clara County Taxpayers' Association.

Currently, Halsey serves as a member of the President's Council, San Jose State University; advisory board, San Jose Chamber of Commerce; trustee, United Way; director, Standard Insurance Company; director, San Jose Water Works; director, Bank of the West; vice chairman, Santa Clara County Manufacturing Group; and director, National Jewish Hospital.

As you can see, Halsey has filled his life with community service. His achievements are many and all of the residents of Santa Clara County are grateful for the time and energy he has given us to improve the quality of life in our community.

Mr. Speaker, I ask you and all our colleagues in the House of Representatives to join Congressman DON EDWARDS and me to congratulate Halsey C. Burke on receiving the Santa Clara County Boy Scout Council's 1981 Distinguished Citizen's Award and to wish him success on all his future endeavors.●

AMERICANS ARE OPTIMISTIC ABOUT THE ECONOMY

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. WEBER of Minnesota. Mr. Speaker, some of us, I am afraid, get the bulk of our news from the Washington Post and the nightly network news. A steady diet of facts and information from these media would lead us to believe that we stand at the abyss of an economic collapse—that we are approaching 1929 all over again.

I contend that there are other, more accurate sources of economic news. For those of us who choose to spend recesses back in our home States, listening to constituents and reading local newspapers, the news is not so bleak.

A recent nationwide poll asked people if they are better off today than they were 1 year ago. The predominant answer was, "Yes." And the American people expect their economic well-being to improve even more in the years ahead. The truth is, a majority of people in this Nation support the new direction President Reagan has charted for our country. They believe that cutting the bloated Federal budget, returning to workers more of their hard-won wages, and trimming the tangled web of Federal regulations are essential medicine for our economy.

As an example of this sentiment, I would like to insert the following editorial. This level-headed piece of commentary appeared in an award winning daily, the St. Cloud Times, which serves a large area of farmers, wage earners and small businessmen in the Sixth District of Minnesota.

[From the Daily Times, Nov. 3, 1981]

DON'T IGNORE THE GOOD NEWS

The nation is currently suffering a slight recession and overall our economy is still struggling, but we are better off today than we were a year ago. The economy is slowly getting better, and that simple statement isn't heard enough.

Since President Reagan took office last January Americans have heard more talk about the economy than any other single issue. Inflation, unemployment, "misery indexes," Consumer Price Indexes, prime rates, Gross National Products and Reaganomics have become household words. But the bottom line has been that things are truly getting better.

None of us will deny that the national economy has a long way to go yet before it's fixed. We still have a high rate of inflation, interest rates are still dragging down such important industries as housing and auto sales, there's still plenty of misery left in the misery index and even with the Reagan administration tax cut many Americans find it difficult to make economic gains against inflation. But even so, things are getting better.

For example, wages are beginning to rise faster than the rate of inflation. The Labor Department reported last week that wage increases average 11.5 percent, while the annual rate of inflation for the first three quarters of 1981 figured out to 10.1 percent. An indication that the national economy is finally moving in the right direction. (Minnesota, of course, remains stuck in the same liberal-spending and taxing cycle.)

When President Carter left office in Dec., 1980 the prime interest rate was at 20.8 percent. Today the prime has dropped to 17.5 percent and is likely to go even lower in the months ahead. And while there is no guarantee interest rates will stay down, most economists are predicting lower average rates over the next two years.

The "misery index," inflation plus unemployment, has decreased substantially since Reagan took office. According to the conservative Heritage Foundation, the misery index had dropped a full six percentage points by last September.

It is presently being reported that the nation is suffering a "slight" recession. And although the recession has gone almost unnoticed by much of the public, economists sometimes refer to it as a "cooling" of the economy, brought on partially by the Federal Reserve Board's tight money policy. While many of these same economists agree that the money supply must be restricted, it is possible the Fed has put on the brakes just a little too hard, creating a small recession.

But whatever economic theory you accept or economist's column you read, most economic indicators do demonstrate an economy which is on the mend. While we may be some distance yet from getting out of the woods, we are also much better off than we were a year ago. Our prospect for the future is not quite so worrisome. If Congress can hold itself together and implement Reagan administration budget cuts and if the president doesn't make any serious mistakes, for the first time in more than decade, Americans have something to look forward to economically.

Things really are getting better.●

HON. AVERELL HARRIMAN

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1981

● Mr. WIRTH. Mr. Speaker, from the days when most travel happened on the rails, to today's era of jet airplanes, Averell Harriman has been a tireless traveler for peace.

Whether his dispatches were carried by cable during World War II or via international satellites, he has been a precious international communicator, providing great insight to the news of the day.

Averell Harriman is unquestionably one of the truly great men of our century; our lives have been enriched by his insights and our future can be brighter if we remember his example.

Whether it was sending entertaining reports as a personal envoy of President Franklin D. Roosevelt during the darkest days of World War II or helping to negotiate with the Vietnamese for President Lyndon Johnson, Averell Harriman has known that it is people who turn policies into realities, and it is people who have the power to make peace.

It is this special human quality which all of us must remember in these days when nuclear confrontation is casually discussed. For Averell Harriman, famous for his blunt talk as well as his careful diplomacy, has always known that what really matters in this world is people, and that if we can somehow communicate with one another honestly and truthfully, we can find ways to resolve our differences peaceably.

As Averell Harriman once said:

If you haven't been to a country, no matter how much information you have, you can't get the feel of it.

He has taught us that diplomacy means not just convincing an adversary to see our point of view, but also building the relationships of personal trust so both sides can understand mutual benefits from reaching compromise. But he also knew there were times when compromise was the wrong move, and that keeping peace means being strong and firm.

Averell Harriman understands political power and the peculiar way it is exercised in this town—he has impressed many of the world's movers and shakers of this century.

And despite his background of great wealth, Averell Harriman always understood that working people must not be ignored. During the debate over the National Recovery Administration, for example, he said:

The man who can hold his place in the competitive system only by working women and children for long hours at low wages has no right to survive.

He has appreciated the now languished art of conversation, nurturing and preserving it. Now at age 90, he stands as a great monument to what a talent for talk can accomplish. In today's world of electronic communications we must not lose the art of person-to-person communications, with our friends and with our enemies.

Averell Harriman's profound understanding of global interdependence must be preserved now especially as our world has truly become a global village. His ability to balance national interest with international survival is a lesson we must all remember.

At age 90, I salute Averell Harriman for his work as special envoy to Churchill and Stalin; for his work founding the United Nations; for his development of the Marshall plan; for his ability to keep Soviet-American tensions from escalating into war; for his leadership as Governor of New York; for his work on the Nuclear Test Ban Treaty; and for his leadership at negotiating with the Vietnamese.

Perhaps most importantly, I salute Averell Harriman for always understanding that national interest must be built upon an understanding of people, who despite our vast diversity, share so much as fellow travelers on this planet.

Averell Harriman, when most men his age were enjoying restful retirement, has continued to serve the public, and has continued to be a national treasure. Without him, our party, our Nation, and our world would be more barren. Let us join together in praise for this great American, to pledge to remember what he has taught us, and our hopes that he will long remain among us.●

THE PROMISE OF SPACE EXPLORATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. CONYERS. Mr. Speaker, Omni magazine has played a pioneering role in bringing the world of science within reach of the layman, particularly in expanding and deepening public awareness of space exploration and science, and the great promise this holds for life on Earth.

In its December 1981 issue, Omni reprinted a commencement address of Dr. Thomas O. Paine, former Administrator of NASA, presented at the University of Hawaii in May of this year. Dr. Paine, who is president of Northrup Corp., offers sound reasons for continuing support for U.S. space activities, and I want to share his remarks at this point with my colleagues.

FIRST WORD

(By Thomas O. Paine)

From my perspective, America faces four great challenges:

First, to build and demonstrate to the world a creative polyethnic democracy, ". . . with brotherhood from sea to shining sea."

Second, to preserve global peace, using deterrence and persuasion wisely to prevent a calamitous nuclear war between the superpowers.

Third, to manage international science and technology in order to raise health and living standards throughout the world.

Fourth, to continue to explore the frontiers of science, particularly our solar system and the cosmos, eventually propagating terrestrial life to new worlds.

To me the greatest glory of America is our multifaceted democratic society, with diverse ethnic and religious values. More races live and work harmoniously together here than anywhere in the history of the world. We do not have to apologize that the task is not yet finished; of course it's not. Much remains to be done because we are an organic society, still experimenting, adapting, and receiving new peoples.

I believe that America's destiny is to demonstrate to a troubled world how people of diverse races and cultures can effectively work together and reach for the stars.

Our second challenge, to preserve global peace and prevent nuclear war, is of overwhelming importance. We will need extraordinary wisdom and determination, patience and strength, vigilance and luck. Military strength and resolution are not enough. We must combine deterrence with diplomatic persuasion and better mutual understanding. We must create more effective economic and cultural incentives for peace. Magnificent opportunities exist for joint programs in space exploration. The future of humankind depends upon our skill and success.

Our third challenge, to manage international science and technology to raise global health and living standards, also contributes to peace and stability. New technologies will be of critical importance: medicine, aerospace, "green revolution" agriculture (with genetic engineering promising new breakthroughs), industrial production (including computers and robotics), space communications, and new energy options—all of these will spark further rapid advances for the remainder of the century.

Our final challenge: continued bold research on the frontiers of science, particularly in the exploration of our solar system and the cosmos.

I see greater possible rewards today from research in the physical and biological sciences than at any time in our history. Step by step, we are progressing toward a powerful understanding of our environment and our own makeup, from the innermost structure of subatomic matter to the grand architecture of the universe, and from the beautiful genetic blueprint of DNA's double helix to the cognitive mysteries of the human mind.

Today we face exciting opportunities on transcendent planes.

I believe that America's national security and economic well-being depend upon our continuing technological leadership. As was shown a decade ago, NASA's clear lead in space operations is a sobering deterrent to Soviet miscalculation and a major stabilizing force in maintaining peace. Space surveillance systems, furthermore, offer the best hope for realistic arms control that can be carefully monitored and enforced.

There are many other practical benefits from NASA's programs. Communications satellites today represent a private investment of $1 billion—money raised not from taxpayers but from Wall Street investors expecting a return. More than 100 nations are now linked by the global communications satellite system, soon to be followed by the direct broadcast of many television channels from orbit.

In the next decade modules derived from the space shuttle will be fitted together to create operations centers in orbit. They will provide permanent facilities for medical and materials research, Earth observations, advanced communications, navigation systems, radio astronomy, and other valuable human activities. From space telescope observation may come discoveries of new fundamental laws of nature, with implications for future technologies as important as the past discoveries of radioactivity, lasers, and semiconduction were to present technology.

Thus the new shuttle rocket planes will open for investment and economic development a rich new continent in Earth orbit. Low-cost transportation to orbit and eventually to the moon and asteroids, plus vigorous space research, will generate whole new industries. From our new vantage point in space, we will better comprehend the universe and humankind's role as a vitalizing force, propagating terrestrial life outward from its earthly cradle.

This is a sound direction for us today. Let us create a new Golden Age as we soar upward to explore our cosmic environment and, in the tradition of the pioneering Polynesian navigators, open new islands for human settlement across the space frontier.●

DELAWARE FARM BUREAU PRESIDENT WALTON ON FARM PRICES AND PRODUCTION

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. EVANS of Delaware. Mr. Speaker, farmers in my home State of Delaware are extremely fortunate to have Mr. John F. Walton as president of the Delaware Farm Bureau. Mr. Walton involves himself not only in the affairs of farmers in Delaware, but also speaks out with keen insight on national farm matters.

In the latest issue of Northeast Agriculture, an American Farm Bureau publication, Mr. Walton contributed an interesting report on the issues of agricultural production in our Nation and the prices farmers receive for their products. I submit this article by Mr. Walton for inclusion in today's CONGRESSIONAL RECORD.

LOW PRICES—WHAT'S THE ANSWER?

Being president of Farm Bureau, I am occasionally asked by someone, usually from the news media or employed by government, "What's on the farmer's mind?" or "What problem is on the front burner currently?"

Those are not easy questions to answer, but there is no doubt that the question foremost in the farmer's mind is "Why are prices so low when costs continue to escalate?"

Farmers need a profit to stay in business. There is nothing particularly wrong with people wanting "cheap" food to eat, but an absolute necessity is that the producers of that food make a profit.

Americans brag about their high standard of living—the highest in the world! Our nation's balance of payments depends on agricultural exports.

What is not being talked about or written about is that the people producing this food are not making ends meet. No one seems to want to address this issue or speak out about it or even address it remotely. Government statistics reports do not do justice to the seriousness of the problem. An occasional brief report during the evening news is not adequate to let people know what is going on "Down on the Farm."

It's sort of this way; there are so few of us actually on the farm that the rest of the people, as long as they have food to eat, are not concerned about three or four percent of the people's problems.

I consider it a major responsibility of this organization to do all it can to solve farmers' problems. The answer to low prices may be due to overproduction—not necessarily so. As long as farmers continue to produce, low prices are an asset to the nation—but at whose expense! In order for free enterprise to succeed, there must be a profit incentive.

When savings and loan interest rates and "super savers" interest rates exceed any possible profit potential for business, what is the incentive to produce?●

HUMAN RIGHTS VICTORY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. KEMP. Mr. Speaker, the protection of human rights is the foundation on which this Nation was built; it must also be the foundation of our foreign policy. The future of human freedom hinges largely on the efforts of the United States to export its respect for individual liberty to other lands and to oppose the spread of tyranny.

It is gratifying, therefore, to know that the Reagan administration has appointed a most capable individual, Mr. Elliot Abrams, to administer its human rights policy. The administration of such a policy requires difficult choices among the lesser of evils; and it requires honest acknowledgments of the human rights violations of nations we choose to befriend. I am confident that Elliot Abrams is the right man for this demanding job.

A State Department memo, quoted in the New York Times by William Safire, states, "A human rights policy means trouble"; and Mr. Safire adds, fittingly, "unless it means trouble, a human rights policy means nothing." I commend Mr. Safire's November 5 essay "Human Rights Victory" to my colleagues to commemorate a promising "new beginning" in American foreign policy.

The article follows:

HUMAN RIGHTS VICTORY

(By William Safire)

WASHINGTON, Nov. 4.—The Reagan Administration intends to take the human rights issue seriously.

When the nomination of Ernest Lefever to the Human Rights post in the State Department was withdrawn (many believed his concern was limited to violations by Communist nations), the Reagan men took their time before sending a new name up to the Hill. Leo Cherne, Leonard Garment and the columnist Michael Novak were approached; each declined, but recommended "somebody like Elliot Abrams."

Mr. Abrams, 33 years old, is now Assistant Secretary of State for U.N. matters. His neoconservative pedigree ranges from being the stepson-in-law of Commentary magazine's editor, Norman Podhoretz, to being a former aide to Senator Daniel P. Moynihan. At State, Mr. Abrams has been one tough cookie-pusher, and his nomination last week to the sensitive human-rights post signals Mr. Reagan's desire to live up to his 1976 campaign commitments.

Underscoring the significance of the Abrams nomination is the policy expressed in an "eyes-only" memorandum, dated Oct. 27, to Secretary Alexander Haig, from Deputy Secretary William Clark and Under

Secretary for Management Richard Kennedy recommending the Abrams appointment. (I suspect the memo was drafted by Mr. Abrams, who will probably be blamed for being the source; he was not.)

"Human rights is at the core of our foreign policy," states the Clark-Kennedy memo. ". . . We will never maintain wide public support for our foreign policy unless we can relate it to American ideals and to the defense of freedom."

"The fundamental distinction" between ourselves and the Soviet bloc is our sharply different attitudes toward freedom, says the memo: "Our ability to resist the Soviets around the world depends in part on our ability to draw this distinction and to persuade others of it." The writers recognize that one cause of the wave of neutralism abroad is the notion of relativism: "Why arm, and why fight, if the two superpowers are morally equal? Our human rights policy must be at the center of our response."

Fine words, but to achieve credibility we will have to knock our friends occasionally. Here is how the new policy handles that: "If a nation, friendly or not, abridges freedom, we should acknowledge it, stating that we regret and oppose it. However . . . human rights is not advanced by replacing a bad regime with a worse one, or a corrupt dictator with a zealous Communist politburo."

That is a necessary straddle, but activists will hail this passage: "A human rights policy means trouble, for it means hard choices which may adversely affect certain bilateral relations. At the very least, we will have to speak honestly about our friends' human rights violations and justify any decision wherein other considerations (economic, military, etc.) are determinative. There is no escaping this without destroying the credibility of our policy, for otherwise we would be simply coddling friends and criticizing foes."

In dealing with the Russians, Mr. Abrams appears to have extracted an internal concession to insure that his will not be a cosmetic role: ". . . this Administration might possibly seek the repeal of the Jackson-Vanik Amendment," which links our trade concessions to Communist nations to their willingness to allow dissidents to emigrate. "Abrams has made clear," reads the burn-before-reading memo, "that he could only support such an effort in the context of the sort of agreement reached between Jackson and Kissinger in 1975. To seek repeal without such an agreement would, in his view, make a mockery of our human rights policy. . ."

The memo contains the Haigian turfmanship, proposing that State head the Interagency Group on human rights, "using Defense Attachés in some cases as part of our 'quiet diplomacy,'" which my turn Defense Secretary Weinberger purple.

And there is a wistful paragraph suggesting "we should move away from 'human rights' as a term, and begin to speak of 'individual rights,' 'political rights' and 'civil liberties.'" Presumably this is because "human" rights have been mistaken by some to mean an entitlement not to starve, but the name-changing notion is wrong-headed: human rights is rooted in Locke's "natural rights," put in the French phrase for "the rights of man," and changed by Eleanor Roosevelt at the U.S. to "human rights" to include women.

In the Reagan espousal of that policy, the good guys have won. Hats off to the beleaguered Secretary of State; let us hope he does not find the public perusal of his inter-office mail too great a parannoyance. We should be prepared to wade through reams of soporific eyes-only or teeth-only memos (how do you get off Al Haig's distribution list?) to find one line like "A human rights policy, means trouble." Unless it means trouble, a human rights policy means nothing.●

VOCATIONAL GUIDANCE ACT OF 1981

HON. WILLIAM F. GOODLING

OF PENNSYLVANVIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. GOODLING. Mr. Speaker, during this week we are observing National Career Guidance Week. President Reagan has written the following message to the National Vocational Guidance Association:

I am pleased to send my greetings to the National Vocational Guidance Association and its members as you celebrate National Career Guidance Week.

Your sixteenth annual observance properly emphasizes the growing need for skilled and thoughtful planning in choosing one's career. In today's complex world of work, it becomes more important than ever that professional career guidance be available to help people of all ages choose occupations that will provide the greatest opportunity to develop their skills and abilities and to achieve personal fulfillment.

I congratulate the members of the National Vocational Guidance Association for your commitment to effective handling of the counseling concerns of our Nation's citizenry.

You have my best wishes for a successful and productive observance of National Career Guidance Week.

I would like to associate myself with the President's remarks. In addition I am pleased to cosponsor, along with my colleague from Michigan on the Education and Labor Committee, Dale Kildee, a bill which enhances the critical role of guidance and counseling in career preparation and planning without creating a new spending program.

As you are aware, Mr. Speaker, I have been concerned about the critically high level of youth unemployment, especially among disadvantaged minority youth. I am convinced of the importance of informed guidance and counseling to any attempt to effectively deal with this problem.

As our Subcommittee on Elementary, Secondary, and Vocational Education proceeds in its hearings on the reauthorization of the Vocational Education Act, I would like along with my colleague from Michigan, to offer this Vocational Guidance Act of 1981 as a basis for discussion of the proper role of guidance and counseling in the context of vocational education. I recognize the need for a link among the Nation's schools and business and the labor market. Providers and recipients of the service must not be isolated from the mainstream. The Federal role in this area must be defined more clearly so that objectives and outcomes can be more specifically described.

This legislation, I feel, creates greater opportunities for vocational guidance personnel to gain first hand and continuous experience in business and industry. This will enable them not only to provide a more realistic assessment to their students, but will foster greater contacts between the school, business, and labor sectors of our community. I realize that this represents only a small step but I sense that it is an important one. I plan to work on this theme of greater private sector involvement and substantial coordination among vocational education, job training programs, business, industry, and labor unions.

In this era of spending restraint, it is important that we use our dollars wisely. This bill would require that a minimum percentage of the currently available funding be used to enhance the role of career counseling in our vocational education programs. It does not require new or additional Federal outlays.

It is in this spirit that I am supporting the Vocational Guidance Act of 1981.●

OUR REDS, AND THEIRS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an excellent article by I. F. Stone which recently appeared in the New York Times. In this article, Mr. Stone provides a perceptive analysis of American foreign policy.

Mr. Stone notes that there are two Communist blocs: one led by Moscow—the other by Washington. Our Communist bloc consists of China, Pol Pot's Cambodia, Somalia, and Yugoslavia. Indeed, well over two-thirds of those living in Communist-ruled countries are now in our camp, which leads to some major anomolies in our foreign policy. Mr. Stone notes in his article:

We have harsh trade embargos against Cuba and Vietnam while we give substantial trade and credit advantages to the Union of Soviet Socialist Republics.

This just does not make sense—except in that it is consistent with the administration's overall vacillating and incoherent foreign policy. I am delighted that Mr. Stone has finally asked the important question:

If we can get along so readily with so many varieties and millions of Communists, do we have to fight—and spend ourselves—to death in a crazy arms race with the rest of them?

I commend this excellent analysis to the attention of my colleagues:

OUR REDS, AND THEIRS

(By I. F. Stone)

WASHINGTON.—Devotees of yoga recommend standing on one's head a few minutes every day. They say it provides a refreshing new view of the world. One way to defuse the holy-war spirit welling up around us is to stand on our heads and take an upside-down view of the so-called East-West struggle.

If we look freshly, we can see that there are now not one but two Communist blocs. One is led by Moscow, the other by Washington.

There are now five Communist countries that look to us for protection: China, Poland, Pol Pot's Cambodia, Somalia, and Yugoslavia. Moscow governs more than twice as many Communist states. But we, thanks to China, of course, have more than twice as many of the world's Communists under our wing.

The United States has more than a billion Communists climbing onto its payroll. Moscow has less than half a billion. So, well over two-thirds of the world's Communists are now in our camp.

The edges of these two blocs tend to be unstable. The latest switches were in the Horn of Africa. There, the Ethiopian and the Somalian Marxist-Leninists are engaged in a game of musical chairs. The Ethiopians have switched their fealty to Moscow and the Somalians to Washington, but both remain "peoples' republics."

In the Far East, where Vietnam used to be Communist China's buffer against United States power, China is now the United States' biggest buffer against the Soviet Union, and Vietnam is the Soviet Union's buffer against China, but none of them has changed ideologically. It's hard to make holy war with any real passion when Communism and capitalism are both so flexible and faithless in switching their bedfellows.

Our Communist bloc is what investment counselors call a diversified portfolio. The five Communist regimes in our bloc range from the world's most admirable, in Poland, to the world's most bloodthirsty, the followers of Cambodia's Pol Pot—the Idi Amin of world Communism. They survive only along the Thai border but they sit ensconced as Kampuchea, with our full diplomatic support, in the United Nations.

Joining the United States' Communist bloc is not like joining the Roman Catholic Church. No conversions is required. Yugoslavia, the first rebel against the Soviet bloc, has been under America's wing for three decades. It is still a one-party Communist dictatorship.

We are more tolerant to our Communist bloc than we are in our Free World bloc. If Poland were in Latin America, we would be nudging it toward a military dictatorship and a trade-union crackdown as in Argentina and Chile. We would be pleading the need to enforce "austerity" on a country that had been living beyond its means thanks to somewhere between 24 and 27 billions in hard-currency loans.

Except for the Soviet Union, no other Soviet country has been allowed to pile up a comparable debt to capitalism. As for Solidarity's right to strike against the Government, how United States air controllers must wish they were in Poland. There, Ronald Reagan would be on the picket line with them.

China, the biggest Communist country in our lap, remains as hostile to freedom of expression as were Mao's China and Stalin's Russia. The only difference is that its harder to find samizdat literature in China.

United States treatment of the Communists in Moscow's bloc is equally resistant to logical analysis. We have harsh trade embargos against Cuba and Vietnam while we give substantial trade and credit advantages to the Union of Soviet Socialist Republics.

On the other hand, we grant most-favored-nation treatment to Rumania and Hungary, along with Poland and China. Just why Rumania and Hungary are thus honored is not clear. Rumania internally is the most Stalinist Muscovite satellite while Hungary is the most "liberal."

The biggest anomaly is in our relations with our No. 1 enemy. the rationale for the stepped-up arms race is that it will starve out the Soviet regime. Its people, so Ronald Reagan said the other day, are already "eating sawdust." Mr. Reagan forgot to mention that the sawdust was liberally enriched with American wheat and corn.

Perhaps this has a hidden logic. Perhaps we keep the enemy alive because if the Soviet Union ever dropped dead of hunger, there would also be starvation here, though of another kind, in our military-industrial complex. General Dynamics would fall clear out of the bottom of the stock-market tables. What would the Pentagon do without Moscow?

Our little fable, like Aesop's, has its moral. If we can get along so readily with so many varieties and million of Communists, do we have to fight—and spend ourselves—to death in a crazy arms race with the rest of them?●

W. AVERELL HARRIMAN

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1981

● Mr. ANNUNZIO. Mr. Speaker, I am delighted to join my distinguished colleague, the Honorable JONATHAN B. BINGHAM, in saluting a great leader and outstanding public servant, the Honorable W. Averell Harriman, on the occasion of his 90th birthday.

Ambassador Harriman began his career of public service in the Roosevelt administration at the National Recovery Administration, and served in several posts before becoming a special representative of the President in Great Britain in 1941. From 1943 to 1946 he served as the American Ambassador to the Soviet Union, became our country's Ambassador to Great Britain for a time in 1946, and then accepted the position of Secretary of Commerce, which he held from 1946 to 1948.

Averell Harriman continued in various positions of public service during the Truman administration, and in 1955, he was elected as Governor of New York. Governor Harriman served in the Kennedy and Johnson administrations as Ambassador-at-Large, Assistant Secretary of State for Far Eastern Affairs, and Under Secretary of State for Political Affairs during the decade of the 1960's and is also the author of several books on foreign policy.

During his long career Governor Harriman has witnessed some of the greatest moments in the history of mankind and he has experienced, in a very real sense, the triumphs and the tragedies of our Nation. He has never lost that zeal and that fire as champion of all the people by espousing that it is good and it is right for people to share in the wealth of America, because he believes that a productive citizen is what makes a Democratic country like ours strong. He firmly believes that each citizen who has produced for America and who has contributed to the wealth of America must be rememberd by America in the twilight of their lives.

Again, I congratulate W. Averell Harriman on this honor, and I extend to him my warmest best wishes for abundant good health and ever-increasing success as he continues to serve his nation in devotion to high principle.●

DOUBLE STANDARD ON HUMAN RIGHTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. DERWINSKI. Mr. Speaker, Allan C. Brownfeld is a versatile journalist who has established a well-deserved reputation for his effective coverage of foreign affairs. He is also a long-time student of developments in the Communist world.

Therefore, I would like to direct the Member's attention to his column in the Washington Inquirer of October 30, which I believe merits reading.

DOUBLE STANDARD ON HUMAN RIGHTS

(By Allan C. Brownfeld)

AGANA, GUAM.—From Europe, Asia, North and South America a group of academicians and political leaders gathered to consider the question of international human rights on this small, tropical U.S. Pacific Island, the place, as the tourist brochures point out, "where America's day begins."

The conference, sponsored by the Chinese Association for Human Rights of Taipei, Taiwan, the Center for International Studies of London, and the Guam Association for Freedom and Human Rights, included such participants as Dr. Ernest Lefever, President Reagan's original choice for the position of Assistant Secretary of State for Human Rights; J. A. Parker, president of the Lincoln Institute, who headed the Reagan Administration transition team at the Equal Employment Opportunity Commission; Nobuyuki Fukuda, president of the University of Tsukuba, Japan; the Hon. Jill Knight, M.P., England; and the Hon. A. Ploeg, M.P., the Netherlands.

While many opinions were presented on a variety of subjects, there was widespread consensus about the danger of the world's double standard concerning human rights,

one which judges non-Communist states much more harshly than those Communist states which are, in fact, the world's most serious human rights violators.

Professor A. James Gregor of the University of California declared that, "Jimmy Carter's decision to make human rights issues the central concern of American foreign policy generated considerable confusion, manifested itself in considerable ambiguity and seeming inconsistency, and left a tangle of problems to be resolved by his successors. One of the central problems left as a legacy by the Administration turned on the fact that the U.S. seemed prepared to impose unilateral constraints on economic and security assistance against those nations that were real or potential American allies should their internal political arrangements, by American judgment, fail to conform to some abstract and absolute standard of human rights provisions. Since the U.S. had very few occasions to employ such sanctions against communists states, its use of sanctions gave every appearance of being selective."

The double-standard of the Carter policy, Professor Gregor declared, led to "punitive measures that were employed exclusively against selected 'authoritarian' regimes. Communist regimes seem to have suffered very little, irrespective of their doleful histories of human rights violations. In effect, the human rights policies of the Carter Administration seemed to lack internal consistency and credibility."

The Reagan Administration, Dr. Gregor argued, recognizes the very real difference between totalitarian and authoritarian regimes, which the Carter Administration did not: "By distinguishing between those systems that are semi-competitive and those that are intrinsically non-competitive, the present administation displays a greater sensitivity to the realities of the contemporary world than its predecessor."

Dr. Alphonse Max, a respected Uruguayan journalist, pointed to the dangerous effects of the Carter policy in Latin America, where anti-Communist regimes such as that of Anastasio Somoza in Nicaragua were abandoned, only to be replaced by far more oppressive governments. Dr. Max noted that, "The government of Mr. Carter was completely unable to see that if there were violations in Latin American countries, such violation was the result of the abuse of human rights by Communist countries and the terrorists which were their agents. Violation was not the cause of the abuse. Outbreaks of the Marxist guerrilla movements—the Tupameros in Uruguay, the Montoneros in Argentina, MIR in Chile, M-19 in Colombia—caused the occurrence of the assumed violations."

President Carter, Dr. Max charged, "was unable to discriminate between a country attacked by international terrorism directed from the communist metropolis and the aggressor itself. Such aggressor has the whole world as its scene of battle. It makes use of client states such as Cuba, Vietnam, East Germany, etc. The aggressor symbolizes the permanent violation of all human rights, not as an exception but as the rule . . . Mr. Carter set out with much more success to fight the democratic states which have temporarily lost part of their condition as such in the emergency of facing aggression than he did combatting those which perpetually violate human rights . . . Thus, we observe that while the former government in Washington did everything possible to wipe out governments which were unconditionally allied to the U.S., such as Iran and Nicaragua, on the one hand, it devoted its attention to splitting hairs over individual cases within the Soviet Union."

A number of speakers detailed the very real denial of human rights now taking place in Communist countries. Dr. Han Lih-Wu, president of the Chinese Association for Human Rights in Taipei, discussed the outrages committed by the Communist Chinese since they came to power on the Mainland in 1949 and stated that, "Altogether, as the various estimates show, some 60,000,000 people were either killed, shot, tortured to death, or forced to commit suicide by the Chinese Communists since the beginning of their movement in 1921." The Soviet Union, declared Professors Stephen Feinstein and Charles H. C. Kao of the University of Wisconsin, remains a major violator of human rights. They note that, "What in the Soviet Union is considered normal prison or exile conditions often amounts to outright torture . . ."

Dr. Ernest Lefever assured the group that human rights policy under the Reagan Administration would be far different than that which existed under President Carter. No longer, he said, would pro-American states be singled out for condemnation. A distinction would be made between "totalitarian" and "authoritarian" states and attention would be paid to whether or not human rights were improving. Dr. Lefever noted that "authoritarian" states such as Portugal, Spain, and Greece had all evolved into parliamentary democracies. "There is no example thus far," he said, "of a Communist dictatorship evolving into a democracy."●

TAKING POLITICS OUT OF SOCIAL SECURITY

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. WINN. Mr. Speaker, 4 years ago, President Carter told the American people that social security was in dire financial trouble and the only way to save it, he claimed, was the single largest tax increase in the peacetime history of our Nation—$227 billion over 10 years, tripling the tax burden on middle income Americans. When the 1977 social security amendments were passed, it was publicized by that administration that—

Social security has been placed on a sound financial footing for the next 40–50 years.

It is now clear that they were wrong.

The Members of Congress not only have the opportunity but the critical responsibility to make good on the Government's word to the millions of Americans who depend upon social security for their very existence. I feel that everyone agrees that some changes are necessary to insure the future solvency of the program but we do not need to scare beneficiaries who are currently drawing benefits as we solve this problem. Their fright stems from the misinformed and misquoted statements which are far too often made by public officials who seek only to gain politically from the social security issue. We have an obligation to every current recipient and future beneficiary to work together for a sensible approach to solving the social security problem, rather than playing politics as usual such as I have witnessed over the past several months.

Thoughtful senior citizens in my district in Kansas tell me they are tired of Republicans pointing at Democrats, saying they have overloaded the system with various programs and brought it to the brink of bankruptcy. And, these same senior citizens are tired of Democrats pointing at Republicans, accusing them of trying to wreck the system and violate the social security commitment.

Social security was enacted to insure a basic floor of protection to every American who has paid into the system. These people have made nothing less than a contract with their Government and now, when it is time for these people to receive a return on their investment, it is questionable if they will have what rightfully belongs to them. It is feared that the Government is threatening to jerk the rug right from under their feet on the eve of retirement or in its early beginnings. For a government to allow this unfair play to happen to its senior citizens is a disappointment, a discouragement, and a cruel chapter in our history.

However, we do have an opportunity, here in the House, to not let that unfair play happen. To make good on our Government's word. To restore faith in the entire American system, as we work together, putting politics aside and making the social security system a reliable program. I applaud President Reagan's recent proposal to form a bipartisan study commission of a 15-member panel to help in this effort. I ask those who were appointed to the commission the same as I ask my colleagues: Please let us come together, quietly and sincerely, determined to solve this problem. We cannot allow our political discord to cause unnecessary apprehension among Americans who depend upon social security. Our senior Americans deserve no less.●

FACTSHEET ON MOBILE SOURCE EMISSIONS

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. TRAXLER. Mr. Speaker, while general public support for the goals of the Clean Air Act appears undiminished, it has become once again evident in recent months that the debate over the best means to achieve those goals remains equally active. This is in

part due to the very complexity of the act itself as well as the intricate nature of the problem it addresses.

Earlier this year, Congressman HILLIS of Indiana and I introduced H.R. 4400, the Mobile Source Clean Air Act Amendments of 1981. This bill proposes several adjustments in the act which we believe will provide for continued air improvement in a less burdensome, more cost effective way. These proposals, while supported by a growing number of groups and individuals both within and outside the motor vehicle industry, have also been the subject of some questions and criticisms. Unfortunately, such comments have been frequently based on *misunderstandings* and/or misinformation.

The Motor Vehicle Manufacturers Association has recently put together a factsheet which addresses assertions made by various critics of efforts to adjust the mobile source requirements of title II of the Clean Air Act. In an effort to help clarify these issues, I am submitting excerpts from the MVMA factsheet. Additional excerpts from the factsheet are included in today's RECORD by my colleague, Mr. HILLIS of Indiana. I urge my colleagues in this body to read this material and to join us in our efforts to bring about these needed adjustments in the act.

FACT SHEET

Assertion: A Carbon Monoxide (CO) Standard of 7.0 g/m And A Nitrogen Oxide (NO_x) Standard Of 2.0 g/m Would "Double" Emission Standards and Mean a "Giant Step Backward in Air Quality."

Comment: Does "doubling" the standards mean doubling pollution? No, there would not be any discernible change in health protection under standards of 7.0 CO and 2.0 NO_x.

CO STANDARD

A new car carbon monoxide standard of 7.0 grams per mile represents a 92 percent reduction in emissions from precontrolled vehicles. A standard of 3.4 g/m is a 96 percent reduction. Thus, a "doubling" of the CO standard from 3.4 to 7.0 represents a 4 percent and not a 100 percent difference.

A standard of 7.0 g/m will provide for continued air quality improvements. According to the latest EPA estimates,[1] CO air quality in 223 urban areas has improved some 36 percent between 1972-79, for an average annual improvement of 7 percent. In cities with the highest levels, the annual average improvement rate is even higher, about 11 percent. Furthermore, this progress through 1979 was achieved with a national car fleet designed to meet standards of 15 g/m or higher.

Independent studies have concluded that a 7.0 g/m standard is more than adequate to assure compliance with the health standard for CO. Moreover, a 3.4 standard would not result in earlier achievement of the health standard.

EPA estimates that the difference in the impact on air quality between the two standards is negligible—by 1987 the total in-use car fleet would average 26.3 grams per mile under a 3.4 standard and 26.6 g/m under a 7.0 standard. According to recent EPA testimony, CO is ". . . a problem that is just a small fraction of the problem it was 10 years ago . . . There is virtually no difference between the two standards [7.0 and 3.4 g/m]."[2]

NO_x STANDARD

A new car oxides of nitrogen standard of 2.0 g/m represents a 51 percent reduction from pre-controlled vehicles. A standard of 1.0 g/m is a 76 percent reduction. However, the difference in the impact on air quality between the two standards is not significant. According to EPA "In NO_x, we have a non-problem. We have hundreds of monitors out there recording attainment . . . Over the next 10 years we don't see the NO_x problem getting worse [with a 2.0 standard]."[3]

A standard of 2.0 g/m will provide for continued air quality improvement. According to latest EPA estimates,[4] total passenger car NO_x emissions have decreased 13 percent since 1973 (the year that standards began). The largest annual reduction occured in 1979 as new cars meeting the 2.0 g/m standard (which started in 1977) began to significantly impact the total on-the-road fleet. In 1979, the car population was emitting NO_x at a level of about 3.0 g/m.

Outside of the Los Angeles area (where California would continue to set its own unique standards), nearly all areas of the country are in compliance with the ambient air quality standard for NO_2 and any marginal areas will quickly achieve compliance as 2.0 g/m NO_x vehicles make up an ever increasing portion of the fleet.

Assertion: Proposals Will Adversely Affect Smog Control.

Comment: Efforts to control smog formation center on reducing hydrocarbon emissions. Highway vehicles account for about 30 percent of hydrocarbon emissions from all man-made sources nationwide.

Hydrocarbon (HC) emissions are controlled because they react in the atmosphere to help form photochemical oxidants, such as ozone. Certain kinds of HC, such as methane, are non-reactive, however, and therefore do not contribute to smog formation. Nonetheless, EPA requires vehicle manufacturers to control both reactive and nonreactive HC emissions. In addition, EPA regulates HC at two separate points: In tail pipe exhaust and the evaporative losses from the fuel system.

Motor vehicle manufacturers support a consolidated, reactive HC only standard in order to provide a more rational and flexible approach to HC control. The impact of this new HC standard would result in no net change in stringency from that of the present standards.

Furthermore, while NO_x emissions are participants in ozone (smog) formation, along with hydrocarbons and sunlight, their role appears ambiguous at low levels of control—at times promoting while at other times inhibiting ozone generation. Continuation of the 2.0 g/m auto standard outside California (which sets its own standards) would provide effective mobile source NO_x control and significant consumer savings. California's unique air quality requirements can still be addressed through its waiver provisions under the Clean Air Act.

Assertion: A CO Standard of 7.0 g/m Will Adversely Affect Health.

Comment: According to the final report of the National Commission on Air Quality: "Based on . . . Commission studies, if the exhaust emission standard for carbon monoxide were changed from 3.4 grams per mile to 7.0 grams per mile, there would be no change in the projected attainment status of areas of the country in 1990. Los Angeles and one area of Denver would exceed the standard according to Commission projections; according to EPA projections, Denver would meet the standard. There will be no effects from relaxation of the standard in Los Angeles because the California standard is presently 7.0 grams per mile; the state of California made the determination that the more stringent standard is not necessary to protect public health."[5]

According to recent EPA testimony: "We are in the process of looking at the [National Ambient Air Quality] carbon monoxide standard. The standard is tied to trying to protect against defects in the oxygen-carrying capacity of the blood. There is no effect on the health as far as we can see. We wouldn't be talking about relaxing [emission] standards if we were faced with the edge of human health considerations."[6]

Assertion: A CO Standard of 7.0 g/m Will Increase the Need for Inspection and Maintenance Programs.

Comment: According to EPA testimony: "The selection of the standard level isn't going to affect the need for inspection and maintenance, since the fleet average emissions of CO will be the same for either standard; 26.3 and the 26.6 [g/m] are at a level where we can't distinguish between the two. They are virtually the same. The question, then, becomes whether I/M is needed, independent of the level of those standards."[7]

Assertion: Motor Vehicle Sulfur Oxide and Nitrogen Oxide Emissions Significantly Contribute to Acid Rain.

Comment: The main constituent of acid rain in areas of concern (Northeastern U.S.) is sulfuric acid.

According to latest EPA estimates,[8] highway vehicles account for less than 2 percent of total sulfur oxide emissions from man-made sources nationwide.

Nitric acid accounts for about 30 percent of the acid in acid rain in the Northeastern U.S. Since passenger cars account for about 15 percent of total NO_x emissions, they at most might account for 5 percent of the nitric acid contribution to acid rain on a national average basis.

EPA has estimated that:

". . . In 1995 the difference in total NO_x emissions between 1.0 and 2.0 gram/mile standard is projected . . . to represent only about 1 percent of the total precursor emissions."

"The potential impact of increased emissions between the two standards is probably even smaller than 1 percent, for several reasons. Automobiles emit NO_x near ground level, and over large geographic areas. Thus, these emissions are less prone to be transported over great distances than are emissions from very tall stacks . . .

[1] U.S.E.P.A., "Trends in the Quality of the Nation's Air—A Report to the People," October, 1980, p. 9.

[2] Testimony before House Subcommittee on Health and the Environment, September 23, 1981, hearing transcript, p. 99.

[3] Ibid., pp. 99-100.

[4] U.S.E.P.A., "National Air Pollution Emission Estimates 1970-79," March 1981, p. 10.

[5] National Commission on Air Quality, "To Breathe Clean Air," March 1981, p. 128.

[6] Hearing transcript, op. cit., p. 109.

[7] Hearing transcript, op. cit., p. 104.

[8] "National Air Pollutant Emission Estimates," op. cit., p. 6.

". . . relaxing the NO_x emission standard for automobiles to 2.0 gram/mile will not contribute significantly to acid deposition. This appears to be particularly true in the eastern part of the country where sulfur oxides play a dominant role in acid deposition. Nitrates are believed to contribute relatively more to the acid deposition problem in the western states than in the east. Although still small, the impact of the proposed relaxation may be somewhat higher in the western states except California where a more stringent NO_x standard is in effect." [9]

Assertion: Proposed adjustments to the Clean Air Act are supported by motor vehicle manufacturers because they claim: the Act is killing the auto industry; pollution control requirements are stopping the industry's ability to raise capital; and the technology to meet the current standards for gasoline powered automobiles is unavailable.

Comment: Domestic motor vehicle manufacturers do not base their support for adjustments to the Clean Air Act on any of the above alleged claims.

Their case is based on the following:

A growing body of air quality data and projections indicating that requirements to control the last fraction of vehicle emissions presently mandated by the Clean Air Act are not needed to improve air quality and protect public health; and that

Such requirements impose substantial and disproportionate costs without discernible benefits.

According to EPA estimates,[10] the cost of tightening the CO standard from 15.0 g/m to 7.0 was $8 per ton of CO removed, but the cost of going from 7.0 to 3.4 g/m is $71 per ton. The case for revising the NO_x standard is even more dramatic: the cost per ton of NO_x removed at 2.0 g/m was $57 while the cost to reach the 1.0 standard is $656 per ton.

The consumer must pay these sharply escalating costs but in turn receives little or no air quality benefit.

The technology has indeed been demonstrated for meeting the 1981 statutory standards. If it must be used sometime in the future, it can be. It just is not needed now.

Assertion: The Auto-Makers Claim That Pollution Controls Hurt Their Competition With Foreign Manufacturers. . . . In Japan, Emission Standards are Equal to, or Stricter Than, the American Ones.

Comment: Both imported and domestic vehicles are required to meet the same U.S. standards.

U.S. auto standards are the most stringent in the world, bar none. Because of differences in test procedures, EPA several years ago concluded that Japanese standards of 0.4 HC/ 3.4 CO/ 0.4 NO_x "are not more stringent for NO_x, and . . . are substantially less stringent for HC and CO" than U.S. standards of .41 HC/ 3.4 CO/ 1.0 NO_x.[11]

[9] Letter from Walter C. Barber, Director, Office of Air Quality Planning and Standards, U.S.E.P.A. to Rep. Henry A. Waxman, Chairman, House Subcommittee on Health and the Environment, dated October 5, 1981.

[10] Hearing transcript, op. cit., p. 24-26.

[11] U.S.E.P.A. Office of Air and Waste Management, "Compensation of the Japanese and U.S. Automotive Emission Standards," Fact sheet 25, undated.

Standards in European countries are presently set at levels less stringent than 1975 U.S. standards and do not require catalyst technology and unleaded gasoline.

Canadian standards are less stringent than American, but require emission control hardware roughly equivalent to that of 1979 U.S. standards (which required the use of catalysts on most U.S. cars).●

ANTIGUA GAINS INDEPENDENCE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. BARNES. Mr. Speaker, on November 1 the world gained a new nation, Antigua-Barbuda. After 349 years of British control these small Caribbean islands have become independent. This is an important event, and as chairman of the Subcommittee on Inter-American Affairs, I want to congratulate the 76,000 citizens of Antigua-Barbuda on their independence.

Earlier this year, my colleagues on the Foreign Affairs Committee and I had the opportunity to meet with the Prime Minister Vere Cornwall Bird, who can fairly be called the father of that small nation. I think that we were all impressed by the Prime Minister and his commitment to the difficult task of building a national identity without the long-standing British presence. The United States and the people of these islands have a long tradition of friendship and cooperation.

I want to take this opportunity to wish the Antiguans and the Barbudans success on their independence and pledge our continued friendship for the future. I also think that my colleagues may find Prime Minister Bird's independence speech of interest. Below is a brief report of his comments.

Prime Minister's comments follow:

Prime Minister Bird, in a brief emotional address, listed unity, dedication and hard work as the principal elements for future success. They could together make it a land of glory, but all must go forth together and produce. "We are free this night," said the veteran leader, "but freedom cannot exist without responsibility. What we do now is our own responsibility. We can blame no others. The freedom now won after centuries of colonialism must be protected and safeguarded," he declared. "The people of this new nation—all Antiguans and all Barbudians—must ensure that they never become dependent again. Productivity must be the cornerstone of the national thrust . . ." "We must commit ourselves to work, and to work hard," said the prime minister. "If not, we shall fall to new masters." "But this country has not struggled long and with great fortitude merely to exchange one master for another." Mr. Bird identified economic self-sufficiency as the number one priority . . ." "Go forth and be productive," he told the huge throng, urging national respect for the dignity of labor and the value of work. This was the "promised land" delivered today, and it was for the people of Antigua and Barbuda now to "put our shoulders to the wheel and our hands to the plow." The promise he was making on this historic day was not to produce manna from heaven, said the prime minister, it was promise that "if we all work together, we shall achieve self-sufficiency, and substain our independence dignity." "The future calls for discipline and for dedication.

"There is no ideal more noble, no task more rewarding, than to work for your own country's development." The prime minister made it clear that Antigua and Barbuda were parting from Britain without bitterness. He said: "Tonight, we have severed the unbilical cord which united us with Britian * * * Tonight, we are a nation fully formed and we can take advantage of every opportunity in the world to which we have delivered. But in severing the final constitutional tie with Britain, we must not act like a petulant infant." He added: "As we must be practical in all things, so we must be practical in recognizing that we cannot blame today's Britain for the rule of yesterday's empire." In his first speech as prime minister, Mr. Bird said that Antigua was a multiracial society reborn. Said he: "Our forefathers were Africans, English, Welsh, Scots, Portuguese and, more recently, Lebanese and Syrian." He added: "tonight, we are all reborn Antiguans and Barbudans, each with a role to play, each with a contribution to make." The prime minister said that as his country opposed racial bigotry and prejudice in other lands "so must we eradicate any trace of it in our society."

Mr. Bird said he could not guarantee that the road ahead would be easy. "I can give no assurance that if you sit idle then (prosperity) will fall in your lap like manna from heaven," he remarked. "But I can promise that provided we all work together * * * We will sustain our independence with dignity and with self-respect." He told Antiguans and Barbudans: "Let us make this a land of glory."●

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. FORD of Michigan. Mr. Speaker, I can no longer stand back and allow the Director of the Office of Personnel Management, Donald J. Devine, to blame the current mess in the Federal employees health benefits program (FEHBP) on everyone else in this town, when in fact, the responsibility is his, and his alone.

As a result of Director Devine's actions, over 2 million Federal employees and their families face a situation where first, their health insurance coverage will be substantially reduced; second, their health insurance premiums will be substantially increased; and third, their open season, the period when they are allowed to switch plans or options, has been indefinitely canceled only 3 days before it was scheduled to begin. The situation is unprecedented and it is tragic. Who caused it?

First, Director Devine blamed his staff. On September 11, 1981, after he had ordered the 120 health carriers in the program to submit new plans reducing benefits by 6 percent, he stated:

In addition to underestimating the effects of inflation, OPM seriously underpriced most of the FEHB plans in 1980 and 1981.

So he appointed a new Associate Director to head the program. When the plans had complied, he decided to order a second round of benefit reductions in October. At this point, some of the carriers challenged this second round of Devine's directed cuts in court, and a Federal district court agreed the Director had abused his discretion.

So now the Director had some new fall guys—the courts and the Congress. On October 30 he stated that the court had "usurped fundamental authority conferred by the Constitution on the legislature." According to the Director, the benefit reductions he had ordered were necessary to stay within "congressionally mandated budget constraints." The court decision could "require OPM to spend nearly a half billion dollars more on the program than Congress provided under the Budget Reconciliation Act of 1981." Nonsense. Funds for FEHBP have not yet been appropriated, and there is nothing whatsoever in the "Budget Reconciliation Act of 1981" relating to, or imposing restraints on, that program.

Now, with criticism of the Director's handling of the program building, he has decided his problems are the fault of the previous administration. In a November 9 statement concerning the benefit cuts he claims "these cuts have nothing whatever to do with budgetary constraints ordered by this administration: the benefit cuts were necessary to live within the budget level set by the previous administration, a budget level which has not been changed."

Here are the facts:

It is true the Carter administration budget underestimated the premium increase now known to be necessary to keep FEHBP benefits at last year's level. These were actuarial estimates made over a year ago by career civil servants, not political appointees. Inflation, utilization, and the number of program participants were all underestimated. When the Reagan administration submitted its budget revisions this spring, it proposed no change in the amounts recommended by the previous administration. Thus, the budget recommendations now before the Congress are those of the Reagan administration.

The House has approved FEHBP funds for OPM in the amount requested by the Reagan administration. The Senate Appropriations Committee has done the same. These amounts may be inadequate, but they are only a part of the Government funds used for the program. The Government's contribution for health benefits for active employees—roughly 60 percent of premium—is paid from each agency's appropriation for salaries and expenses. No specific amounts are appropriated to the agencies for these payments. If the premiums go up more than expected, each agency must absorb the increase within its existing budget. This has happened before. No additional appropriation is needed.

With respect to the funds appropriated to OPM for the program, Director Devine could have asked Congress, and still can ask Congress, to increase the amount to make up the estimating error. He didn't. Instead, he chose a course of arbitrary action which has thrown the program into turmoil.

It appears Director Devine is a true believer in, and a blind follower of, the Stockman school of cut, cut, cut—whatever the cost. He seized upon an opportunity to reduce Government outlays for health insurance premiums by ordering arbitrary benefit reductions which diminish the value of the program to employees and jeopardize the financial positions of many carriers. It is employees and carriers who pay the cost. It is Director Devine's actions which have caused the problem we now face. The responsibility is his alone.●

WASHINGTON POST ENDORSES NATURAL GAS DECONTROL

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 13, 1981

● Mr. DANNEMEYER. Mr. Speaker, national energy policy should be a prime component of our effort to fashion an economic recovery program for the Nation. Providing the proper incentives for economic growth through tax and budget cuts is a necessary, but by no means a sufficient, step. Ultimately, economic growth will require access to, and the efficient use of, energy resources.

The most important single step that the 97th Congress could take to improve our national energy policy would be to decontrol the price of natural gas. While the issue is complex, the bottomline is that decontrol would foster both conservation and production of an important fossil fuel.

It is unfortunate that the administration has postponed action on decontrol proposals. The lead editorial of the Washington Post of November 5, 1981, is entitled, "The Retreat from the Free Market." I urge my colleagues to consider the Post's arguments in support of natural gas decontrol.

The editorial follows:

[From the Washington Post, November 5, 1981.]

THE RETREAT FROM THE FREE MARKET

The free market is all the energy policy that this country needs, the administration repeatedly says. But reality keeps awkwardly intruding. The latest example is the decision at the White House to postpone any attempt to take price controls off natural gas. That's a pity, for natural gas production is one area of energy policy in which a free market would work most usefully.

The rhetoric has been admirable. Last week Secretary of Energy James B. Edwards was in New York, enthusiastically explaining to an audience of skeptical utility managers the great things that the Reagan administration has in mind for the electric power industry. Among other things, he said, "We have to deregulate natural gas, as we did oil earlier this year, to create a free market in energy. . . ."

Meanwhile, back at the White House, things were sliding in the opposite direction. The President and the Republican leadership in Congress have now decided not to do anything about deregulation legislation this year. As a practical matter, in view of the 1982 elections, that means next year as well.

The reasons for deregulating gas prices are as valid as ever. It's grotesque to keep gas cheaper than oil, and only encourages waste. The administration's reason for backing off is, apparently, only to avoid another messy and uncertain wrestling match in Congress. The congressional leaders have told Mr. Reagan that he can't get deregulation without a tax on the sharply rising returns to the producers. But Mr. Reagan has promised the producers that he would veto a tax. That pledge could no doubt be forgiven, if anyone in the administration wanted to take the time and trouble to show the less sophisticated elements of the gas industry where its real financial interests lie. But that's more time and trouble than the White House evidently cares to invest in an issue that also sets the various regions of the country, and economic interests, fiercely against one another. The administration, struggling to retain some degree of control over its economic program, is not interested in launching a bill that it considers an expensive and exhausting diversion.

That's another pity, for a stiff tax on deregulated gas—similar to the present windfall tax on oil—could raise perhaps $20 billion a year. That's the kind of new revenue that the administration now urgently needs. Freeing the price of gas, and taxing it, is infinitely preferable to fiddling around with nuisance taxes on beer and telephone calls.●