

HOUSE OF REPRESENTATIVES—Tuesday, December 14, 1982

The House met at 11 a.m.

Rev. Charles Mallon, permanent deacon, Holy Family Church, Mitchellville, Md., offered the following prayer:

The Lord is my light and my salvation; whom shall I fear? The Lord is the stronghold of my life; of whom shall I be afraid?—Psalm 27:1-2.

Father free this deliberative body of all useless anxiety and unrealistic considerations. And by Your light allow them to see the naked truth and to act responsive to it.

Father give joy to their hearts and teach them to rely upon Your strength.

We ask this through Christ our Lord. Amen.

THE JOURNAL

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

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

WASTEFUL AND
CONTROVERSIAL PROJECTS

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

Mr. EDGAR. Mr. Speaker, yesterday when the Rules Committee met to consider the rule on the continuing resolution, a number of Members spoke before the Rules Committee and fortunately convinced the Rules Committee that as we consider this important resolution, significant amendments dealing with the Clinch River project, the O'Neil project and the Garrison diversion water project be considered with full opportunity for discussion, debate, and for a vote.

Unfortunately, yesterday one project was deleted from that list dealing with the Tennessee Tombigbee Waterway. I am simply advising the Members of the House today that while I am disappointed that we have not had the opportunity to have an up or down vote on that specific project, and to eliminate at least \$100 million of funding that I believe should be picked up by the States of Alabama and Mississippi, I am pleased that the Rules Committee did give consideration to all of the other projects that requested it and that full debate and discussion can take place today.

It is my hope that the Members on both sides of the aisle will carefully

look at the Tennessee Tombigbee Waterway as we move to further construction and hopefully force some cost sharing on that project in the future.

Apparently, the chairman and other members of the Appropriations Committee would not accept a rule allowing debate on funding for the Tenn-Tom included in the continuing resolution. Obviously, I am disappointed by this decision. I believe that, if it were in order today, an amendment to reduce the Federal commitment to this project by \$100 million would receive the support of the House.

However, I cannot discount the good work the Rules Committee did yesterday in allowing amendments regarding other controversial projects. For example, an amendment to halt funding for the Clinch River breeder reactor is extremely important. On the vote today on Clinch River we can help save billions of dollars in future uneconomical commitments and strike a blow for sanity in our nuclear nonproliferation policy.

Amendments dealing with other wasteful or controversial projects will also be in order today, and I intend to support these. I feel that it is time Congress began to move again toward forging a modern and responsible water policy, and votes on these appropriations matters are the best available means of making progress on critically important water issues.

For these reasons I plan to vote for the rule making in order specific amendments to the continuing resolution. Supporters of the amendment to reduce funding for the Tenn-Tom to a rational level will not be granted a decision today. But, it is perhaps only an indication that we did our job too well in forcing the project's supporters to shy away from a vote in the House.

BRINGING RELIEF TO NATURAL
GAS CUSTOMERS

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

Mr. DIXON. Mr. Speaker, yesterday I introduced a resolution (H.J. Res. 632) which is intended to bring relief to natural gas customers around the country who are facing severe increases in their bills. Already this year, in my area in California, the bills of gas consumers have increased over 50 percent from a year ago and they are expected to rise further during this winter by another 50 percent.

With a surplus of natural gas and with the price of oil on the decline, increases of this magnitude are unnecessary and do not reflect true market conditions.

These price increases have come about largely because of the wellhead pricing provisions of the Natural Gas Policy Act and the practices of the Federal Energy Regulatory Commission which allow interstate pipeline companies to average in the price of high cost gas in the supplies sold to local distribution companies even though a sufficient quantity of low cost gas is available.

If distribution companies were given the discretion to purchase high cost gas only when the market required, they would be able to prevent these inordinate increases from taking place. What is needed is a regulatory mechanism to provide this discretion. My resolution would direct the Federal Energy Regulatory Commission to address this concern by initiating a rule-making proceeding regarding pipeline rate design. This proceeding would consider the service agreements which currently obligate distribution companies to purchase unnecessary quantities of high cost gas and the relationship between pipeline companies and local distributors.

This resolution does not attempt to change any of the pricing provisions in the Natural Gas Policy Act. Instead, it is intended to bring about and facilitate the operation of a freer market in the sale and purchase of gas at the wellhead, in the pipeline, and at the consumer burner tip. I urge you to study this resolution and join in support of it.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 631, FURTHER CONTINUING APPROPRIATIONS, 1983

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 626 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 626

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 631) making further continuing appropriations and pro-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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

viding for productive employment for the fiscal year 1983, and for other purposes, the first reading of the joint resolution shall be dispensed with, and all points of order against the joint resolution are hereby waived. After general debate, which shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and shall be confined to the joint resolution and the amendments made in order by this resolution, the joint resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order except the following amendments printed in the Congressional Record of December 13, 1982, which shall be in order any rule of the House to the contrary notwithstanding, shall be considered if offered only in the following order, and shall not be subject to amendment but shall each be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto: (1) an amendment by, and if offered by, Representative Edwards of California; (2) an amendment by, and if offered by, Representative Simon of Illinois; (3) an amendment by, and if offered by, Representative Tauzin of Louisiana; (4) an amendment by, and if offered by, Representative Fazio of California; (5) an amendment by, and if offered by, Representative Traxler of Michigan, said amendment shall be in order even if the amendment numbered 4 above is agreed to, and if amendments numbered 4 and numbered 5 are both agreed to, only amendment numbered 5 shall be reported back to the House; (6) an amendment by, and if offered by, Representative Coughlin of Pennsylvania; (7) an amendment by, and if offered by, Representative Bonior of Michigan; and (8) an amendment by, and if offered by, Representative Conte of Massachusetts. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, and all points of order are waived against instructions contained in a motion to recommit if offered by Representative Conte of Massachusetts, and against any amendment required by said instructions to be reported back to the House.

The SPEAKER. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 626 provides for the consideration of House Joint Resolution 631, making appropriations and providing for a productive employment program for the fiscal year 1983.

All points of order which might lie against the resolution would be waived under the proposed rule.

One hour of general debate is provided to be divided equally between the chairman and ranking minority

member of the Committee on Appropriations.

The committee would make in order eight amendments which were to have been printed in the RECORD of December 13, are not amendable, and will be debatable for a period not to exceed 30 minutes. That time shall be equally divided between the proponent of the amendment and a Member opposed. Those amendments by, and if offered by, specific Members will be considered only in the following order:

First, by Mr. EDWARDS relating to the funding of the Peace Corps.

Second, by Mr. SIMON relating to the manner of expenditure of foreign assistance.

Third, by Mr. TAUZIN relating to low-income energy assistance.

Fourth, by Mr. FAZIO relating to the salaries of Members of Congress.

Fifth, by Mr. TRAXLER, also relating to the salaries of Members of Congress, which shall be in order regardless of the disposition of Mr. FAZIO's amendment. If both are agreed to, only Mr. TRAXLER's, as the last adopted, will be reported back to the House.

Sixth, by Mr. COUGHLIN relating to the funding of the Clinch River breeder reactor.

Seventh, by myself and Mr. EVANS of Delaware relating to funding of the O'Neill irrigation unit in Nebraska.

Eighth, by Mr. CONTE relating to funding of the Garrison water project.

Finally, one motion to recommit with or without instructions is in order and points of order are waived against the instructions if offered by Mr. CONTE. It is my understanding that such instructions would relate only to title II, the jobs program section of the resolution.

Mr. Speaker, this has been a difficult rule to craft. I would venture to say that very few Members of this body can remember the last time this many amendments have been made in order on a continuing appropriation. These resolutions are generally brought to the floor under a closed rule because the Congress is usually under severe time constraints when that occurs. To do otherwise would defeat the purpose of a continuing; that is, temporary, uniform, and expeditious funding of Government activities.

However, the Rules Committee, quite frankly, is not inclined to send a rule to the floor that we feel will be defeated. We have recognized that there is a substantial amount of pressure from the general membership to obtain separate votes on certain issues. The budget process, being what it is, has unfortunately not allowed Members that opportunity this year.

Thus, we have tried to fashion a rule that would allow for representative votes in important areas without encouraging legislative chaos or erecting

obstacles to the serious need for rapid resolution of our funding problems.

It is not a perfect situation. We all probably have amendments that we would like to see proposed. However, while the amendments that would be made in order are not all-inclusive, they do provide a balanced opportunity for expression in the areas of energy and water resources, foreign aid, aid to the poor and elderly, and Members' salaries.

Additionally, it is expected that the motion to recommit will contain instructions to delete the jobs program, hence, allowing Members a separate vote on that issue.

As I stated, we have tried to choose representative amendments for important issues. I am not going to tell you that our decisions were made without political considerations. They were, but it was our job to fashion a rule that would pass on the floor and get the resolution passed quickly.

I realize that the debate time is not long. However, the hour for general debate equals what would normally be provided on these resolutions when they are customarily considered in the House as opposed to the Committee of the Whole. With regard to the limited time on the amendments, these are familiar issues and I dare say that the debate will probably not change many minds.

This is the most open rule we have had on a continuing appropriation and I would urge Members to support it.

With regard to the resolution itself, continuing appropriations are provided for the 10 appropriations bills not yet enacted. This resolution will remain in effect until March 15, 1983.

Funding levels are set in the following manner:

Activities under the Agriculture, D.C., Transportation, Interior, and Treasury-Post Office appropriations are set at the lower of the House- or Senate-passed levels.

Defense and Commerce-State-Justice appropriations are set at the House-passed levels.

The Labor-HHS-Education appropriation is set at the House-passed level with additional funds provided for refugee assistance, employment and training programs, health planning and other programs whose authorizations had not been enacted.

The energy and water resources appropriation is set at the fiscal year 1982 level.

The foreign assistance appropriation is set at the fiscal year 1982 level with certain variations provided for refugee assistance, peacekeeping operations, trade and development, and assistance to Egypt and Israel. These variations will be explained in general debate.

The resolution also provides additional funding for several Federal housing programs and \$50 million for

private volunteer organizations for food and shelter programs for the needy.

It further prohibits oil and mineral leasing in wilderness areas and off the northern California coast.

No pay cap for Members of Congress is continued in this resolution. Thus, unless one of the two amendments dealing with this issue is successful, Members' pay would automatically increase to the prescribed amount.

There is also a provision that would, in effect, limit outside earned income for Senators to 30 percent of their salaries. The House already has such a provision.

Finally, and perhaps most significantly, the resolution contains \$5.4 billion in new funding for job creation. It is expected that 244,600 jobs would be created directly and indirectly for projects of objective need and merit largely for repair and rehabilitation of our national infrastructure. These projects would range from repair of highways and bridges to VA hospital maintenance.

Another \$1 billion is provided for temporary jobs—not to exceed 6 months—which would be administered by the Labor Department and once again provide assistance for repairing infrastructure.

This certainly will not alleviate our unemployment problems, particularly with trends and administration policy moving in the opposite direction. But it will provide hope to our people at a time of year when they are most receptive to it and most despondent without it.

They have borne with extraordinary patience, empty promises and it is time to acknowledge their patience with an admission of our responsibility for the situations many of them face.

Mr. Speaker, this is extremely important legislation and I would urge my colleagues to proceed posthaste to approval of the rule, passage of the resolution, and a fulfillment of our responsibilities.

Mr. Speaker, I reserve the balance of my time.

□ 1115

Mr. QUILLEN. Mr. speaker, I yield myself as much time as I may use.

Mr. Speaker, the continuing resolution process is becoming old hat. I think it is time that we stop bringing these continuing resolutions with a Christmas tree list before this body just before Christmas. The regular appropriation process is the right way to go. Let the Appropriations Committee come in with its general appropriation bills, pass them, and insist that the Senate do likewise.

Now, when this rule was crafted, it was crafted so as to gain support of certain Members in the hope that the rule would pass. That is no way to run a railroad. I think the issue should

stand on their own merits, and not be used for political or partisan gain.

Eight amendments were made in order; one to strike the Clinch River breeder reactor. Over \$1 billion have already been spent on this project. Yet the Democrats want a jobs bill creating more public works jobs while at the same time allowing an up or down vote on the Clinch River breeder reactor, which will eliminate jobs, if they are successful. To me, it is entirely an effort aimed at Tennessee, from those who do not realize that the taxpayers are going to be stuck with \$1 billion or more already expended on a process that America greatly needs.

There are eight amendments made in order to curry favor, in the hope that the jobs portion of the bill will be enacted into law. However, if it survives in the Senate, the President has said that he will veto it.

So, I am wearing a Christmas vest, Mr. Speaker, just in case. In 1963 we were here on Christmas Eve. In other years since I have been here we were here the day before Christmas. Now, does it really make sense to bring a continuing resolution to the floor of this House with a Christmas tree of amendments on it, knowing that we are going to spin our wheels, knowing that it is not going to achieve its purpose? I would ask the Members of this body to vote down this rule.

Let us, if we have to have a continuing resolution, bring one back just to extend the current appropriation, including the level pay cap, and let us close up shop and get the job done.

When the amendment comes to the floor on the Clinch River breeder reactor, I would caution the Members of the House that if they cut it out they are going to cut out jobs on one hand, and on the other hand they are going to probably pass their make-believe jobs idea supposed to create employment. It just simply does not make sense. So, I would ask my colleagues to look at this measure with great care, because it is so important.

Two amendments were made in order on the Members pay raise; one to reduce the amount, another to strike it. I shall vote against any pay raise, and I shall vote for the Traxler amendment to strike the pay raise in this bill because I think we are today setting a bad precedent by bringing such a Christmas tree continuing resolution to the floor of the House. I am opposed to the pay raise, and ask my colleagues to join me on that amendment likewise.

Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, I was necessarily absent yesterday when this rule came before the Committee on Rules and was voted out. Had I been present, I would have voted against the rule for various reasons, among

them being two amendments; one to be offered by the gentleman from Michigan (Mr. BONIOR) and the other to be offered by the gentleman from Massachusetts (Mr. CONTE). Both of these amendments, as I understand it, would deny funds for two reclamation projects which have been authorized after work by legislative committees of both the House and the Senate, after having been passed by both bodies, signed by the President, in fact there have been funds appropriated for both of these projects.

The project in Nebraska that the gentleman from Michigan will seek to deny funds to is now in court. The effect of the amendment which he will offer, if it is successful, will be to practically abort the case which is now, as I understand it, far advanced and almost in a position where a decision can and will be rendered by a judge. I think that it is particularly obnoxious because of the fact that it not only seeks in a very summary way to nullify the work of this body and the other body, but also to nullify the work of a court of this land.

So, I reluctantly find myself in a position of opposing the rule for the continuing resolution. It certainly is not that I am against a continuing resolution to keep this Government going, because it is now obvious that we are not going to be able to pass all the appropriations bills before the time for this session to end. So, I am very much in hopes that, as my good friend and colleague from Tennessee has said, that we will vote down this rule and thereby give notice to the Rules Committee that the House expects them to bring a rule to the floor making in order a continuing resolution which will be signed by the President of the United States and which will become law.

What we need is a continuing resolution, not a veto which will keep us here, as the gentleman has also said, much later than I think most of the Members of this body would like to stay in session.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes for debate only to the gentleman from Tennessee (Mrs. BOUQUARD).

Mrs. BOUQUARD. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time. Mr. Speaker, I cannot support this rule offered in connection with the continuing resolution raises a number of very serious questions about the operations of the House. Under these circumstances we are going to be called upon to resolve, in a temporary stopgap funding resolution, major issues of significant national importance.

In the case of the amendment regarding the Clinch River project, we are being asked to weigh, in a total of 30 minutes of debate, a project in

which the taxpayers of this Nation have already invested nearly \$1.5 billion—which, even if termination is approved, will likely cost another \$200 million, and if, as I would expect, various contractors bring suit, the project could easily approach a total sunk cost of some \$2 billion.

What is the benefit to the taxpayer of this expenditure? If the project is carried through to completion not only will we have demonstrated the capability to provide a limitless source of energy, one which appears to offer every potential of being cost competitive with current technology, one which is conservation oriented, totally domestic in resource supply, but we will also have provided a revenue stream for the Federal Government. Depending on the price of electricity over the next 20 to 30 years, this project may provide several billion dollars of revenues in addition to invaluable research data and operating experience. If the project is halted, the taxpayers are left with a \$2 billion expenditure with absolutely nothing to show for it.

In every opportunity which this House has had since the project was initially authorized in 1972, the continuation of the Clinch River breeder reactor has been supported. Today, opponents of the project, aided by a rule which not only limits debate to 30 minutes, but also permits this amendment to be offered without regard to any House rule whatsoever, are seeking to rush through what amounts to a termination of this project without even the opportunity to consider responsible alternatives.

Let me emphasize that point—the Department of Energy, the Science and Technology Committee and the industry itself are already examining proposals to provide alternative financing arrangements which will reduce the Federal Government's portion of the costs of the project. However, under the terms of this rule, we are precluded from considering such alternatives.

I would urge all of my colleagues to keep this fact in mind as the vote on this project nears. If the Coughlin amendment is adopted, you will have precluded the opportunity to consider a more responsible approach that would lower the Federal Government's investment but retain this vital energy R. & D. project.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in support of this rule providing for the consideration of House Joint Resolution 631, making further continuing appropriations for fiscal year 1983. As my colleagues may recall, last September I stood in the same spot and promised that I would not support another continuing resolution that did not pro-

vide an opportunity for the House to consider some of the more controversial projects that had not yet been dealt with in our regular fiscal year 1983 bills. The rule currently under consideration fulfills that promise.

Mr. Speaker, I am by nature opposed to closed rules on appropriation bills. I believe that the House should be permitted to work its will on such measures whenever possible.

But I do support the modified closed rule on this continuing appropriations measure.

I know that some of my colleagues are disappointed that they are unable to offer amendments dealing with certain matters ordinarily contained in the energy and water development appropriations bill. Unfortunately, there simply is not time for all such amendments. We are rapidly approaching the expiration date for the current continuing resolution. Because of the irresponsible action of the majority in tacking a nongermane title on to this bill, we will be facing a veto and another exercise of brinksmanship over this measure. But at the same time, there will be an opportunity to vote on several important energy and water projects, and I urge that my colleagues support this rule.

Mr. Speaker, I will be offering one of the amendments to which I alluded a minute ago, to eliminate funding for the Garrison diversion project. This project suffers from nearly all of the public policy ills known to man or water project cost overruns, inadequate planning and design, defective cost/benefit ratio, fiscal irresponsibility, environmental degradation, and adverse international consequences. It is a project that might have had some merit in 1965, when it was conceived and first authorized. But as each year passes and the cost goes up and the environmental consequences become clearer and the international opposition grows, the project becomes less and less defensible. Mr. Speaker, with only 15 percent of the project complete at this time, we must cut our losses and kill the Garrison project.

Again, I urge my colleagues to adopt this rule so that we can put an end to the misguided Garrison diversion project.

In closing, Mr. Speaker, let me say this: I do not relish standing up here on the floor of the House today supporting this continuing resolution, but we have no alternative. As I said before the Rules Committee, if I were a Member of the House and I were not on the Appropriations Committee, I would be livid mad about the whole procedure because Congress and the Members of the House are not going to be able to work their will.

□ 1130

They are either going to buy the package or they are not going to buy

the package, and then it goes over to the Senate. I might say here that we had a meeting this morning at the White House, and the President said—and I copied his words down—in regard to the continuing resolution and in regard to the public works, he said, "I don't give a damn whether it is Friday night, and how long this Congress has to stay in in session, I will not sign the continuing resolution with the jobs bill in it."

Now, I say to the Members, "if you guys and gals all want to be around here and you are going to be dreaming of a white Christmas on December 24, you keep that in."

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

Mr. CONTE. I am glad to yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, I am amazed at the comment the gentleman has just made, quoting the President of the United States as threatening the Congress with having to stay in session if they do something for American jobs. Some of us have been trying very hard to help the President keep a promise that he made to our friends in the Caribbean to create a climate conducive to jobs down there.

It is very difficult for us to do that kind of thing if he just takes that kind of a stance and says, if the gentleman quoted him right, that he "doesn't give a damn" if the Government is brought to a standstill and if Members of Congress have to be in session on Christmas Eve because he is that much against doing something to give American citizens jobs. I cannot conceive of the President of the United States making a statement like that. Certainly the gentleman is misquoting him.

Mr. CONTE. I am sorry, I did not hear the gentleman. What was that?

Mr. WRIGHT. Surely the gentleman has not quoted the President correctly. Would the gentleman desire to rephrase or recall it somewhat differently?

Is the gentleman threatening the Congress that if we pass this bill, using the President as the source of his threat, we are going to have to be in session and, therefore, should vote against the bill so we can go home for the holidays? Does the gentleman think that Members of Congress care that little about their responsibility to help Americans who do not have jobs?

Mr. CONTE. Mr. Speaker, if the gentleman will give me a chance to answer, I am not threatening anybody. I am giving the gentleman the facts of life.

I say to the gentleman, "If you want to be here, if you want to enjoy your jobs over that 'silly-billy' you put together, it doesn't create anything."

And as I said, it is like a great magnet, bringing every nut and bolt

into this bill. All you did was get 13 subcommittees together and say, "draft something quick. There's \$6 billion; divide it up. Divide it up any way you want."

I would like to have a good jobs bill. I would like to sit down with the majority leader and work out a jobs bill, but not this facade, not this facade that we have here.

Let us face the facts. Whether we think it is a threat or not, the President says he is going to veto the bill, and he will veto the bill.

The SPEAKER. The time of the gentleman from Massachusetts (Mr. CONTE) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, we have gotten these vetoes before and we stayed here, and finally we wound up with a clean continuing resolution. That is what we are going to get here.

Unfortunately, the other body especially, would not listen to us. This continuing resolution should have gone to the end of the fiscal year. Now, even this one goes to March 15, and we are going to be in the same problem when we are ready for the Easter recess. Read the RECORD come Easter. This should go to the end of the fiscal year.

Mr. Speaker, I say, let us get out of here and go home.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

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

Mr. FORD of Michigan. I would like to thank the gentleman from Massachusetts (Mr. CONTE). I had some reservations about this bill, and now that the gentleman has explained it in the way he has, with the implied threat, I have no difficulty in voting for it at all and declaring to the American people that this is a clear test between the gentleman's party and mine and where our priorities lie.

Mr. CONTE. Mr. Speaker, the gentleman can interpret it any way he wants, but the President has got the right down there to either sign the bill or not sign it. If he does not like it, he can veto the bill and we will be here on December 24, we will be here on January 1 working on something, and I say to the gentleman, "maybe by that time, Mr. Majority Leader, you and I can work out a decent employment bill."

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

Mr. CONTE. I have no more time left.

Mr. BONIOR of Michigan. Mr. Speaker, I yield, for debate purposes only, 3 minutes to the gentleman from Texas (Mr. WRIGHT).

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

Mr. WRIGHT. I yield to my friend, the gentleman from Tennessee.

Mr. QUILLEN. Mr. Speaker, let me say this: The President only made a promise of a veto, and it is no threat. I want the gentleman and other Members to know that.

Mr. WRIGHT. Mr. Speaker, I appreciate that euphemistic touch.

Mr. QUILLEN. Nobody is beating Members over the head.

Mr. Speaker, I thank the gentleman for yielding.

Mr. WRIGHT. Mr. Speaker, I appreciate the euphemism that the gentleman uses, but I just simply cannot believe my ears when I stand here and hear my good friend, the gentleman from Massachusetts, quoting the President of the United States as saying that he "doesn't give a damn" if Congress is in session New Year's Eve or Christmas Eve, or whenever it may be, just so long as we do not try to do anything to help the unemployed Americans. I really cannot understand that.

Who does he think he is? Really, I mean, after all, the Constitution gives to the President the right to veto legislation, but it certainly did not intend to confer upon him the role of "Big Daddy." He is not supposed to be the dictator who writes the legislation.

As I read the Constitution, it very carefully and very assiduously left control of the purse strings to the Congress of the United States, and that control is to begin in the people's House, the House of Representatives.

Now, are we to be subjected to a threat at this late moment of the year? Are we to be threatened that the President, who just got \$230 billion out of this House only a few days ago for defense and weapons of destruction, straining at a gnat while swallowing that camel, will veto a bill simply because it has as much as \$5 billion to try to put Americans back to work doing things that desperately need doing in the United States?

I cannot believe that. Surely the gentleman from Massachusetts misunderstood the President. Surely the President, whether he calls it a promise or a threat, whether he smiles benignly or frowns furiously, is not trying to intimidate the Congress to the point that it must let him write its legislation in order to get his signature, and that if we do not knuckle under and bow down again and allow the White House to write our bills for us, he is going to punish us by requiring us to be in session on Christmas Eve. Now, surely that is not the attitude that ought to be attributed to a President.

But if it is, if the gentleman from Massachusetts correctly characterizes the attitude of this President, which I earnestly hope he did not, then I think there is not a man or woman in this House worthy of his or her honor who would not willingly be in session on Christmas Eve, or New Year's eve

or whenever, if that were the necessity required to do the things necessary to care for the needs of this Nation, pull this country out of the deep depression that the Reagan economic policies have plunged us into, and at least start us again on the road to recovery by giving people some work to do in jobs that need doing.

Mr. QUILLEN. Mr. Speaker, I yield myself 2 minutes, after which I shall yield 3 minutes to the gentleman from Nebraska (Mrs. SMITH).

Mr. Speaker, my good friend, the majority leader, has, I think, put words in the President's mouth. I am sure that a promise is not a threat.

I think each Member of this body deserves to know what to expect. No one knows what the Senate is going to do in regard to jobs bills. No one knows what the conferees are going to decide in the final analysis. I know that our fine President is sincere. He wants to cut spending. He wants to do something meaningful for the unemployed of this Nation.

Back in the late 1970's, when we had another recession almost equal to this one, a public works job bill was passed, but it took 3 years before any jobs really got underway, and the recession had ended.

As I said in my earlier remarks, amendments are made in order to eliminate certain works projects in this continuing resolution. They are saying, "Take it away with one hand and play politics with the other."

I am convinced, after having been here on Christmas Eve in 1963 under a Democratic President and another time just before Christmas, that this Congress should not be asked to consider such important legislation in the closing hours of this session. Let us defeat this rule. Let us get down to business on regular appropriations bills.

As I said, Mr. Speaker, the President is sincere.

The SPEAKER. The time of the gentleman from Tennessee (Mr. QUILLEN) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in strong opposition to this incredible rule making in order the continuing appropriation. This rule is partly the product of a legislative process gone wild as is the legislation it makes in order. This rule protects only a select few of the Members of this body, allowing them to offer amendments, while the rest of the Members are shut out from even perfecting those amendments eligible to be offered.

The continuing appropriation is one of the most important bills this Congress must act on. It provides for all Government operations until next

spring, and only a handful of Members are allowed under the rule to influence the operations of our Government until that time. The Appropriations Committee has done its work as best it could under the budget constraints; most of the appropriation bills were ready by the end of September. The House could have acted on them by now in an orderly fashion. The House could have debated the issues at length in the normal fashion.

Under the procedure this rule requires there is no time for adequate debate. Thirty minutes of debate will not give the Members a full and complete knowledge of the complex issues some of the permitted amendments raise.

Further, the skids are greased for certain amendments. All points of order against them are waived. So, what cannot normally be done on the floor of the House can now be done under this rule. Rules that allow for orderly procedure are thrown out the window to serve a few Members who have pet projects they want to keep or kill.

The public interest has been ignored; vested and selfish interests are most apt to prevail in this procedural atmosphere of confusion, haste, and emotion.

The people of my State have been working for more than 28 years to enhance their agriculture production through a water project that could be killed here today after 30 minutes of debate. Their interests are not protected by this rule. The rule allows an ill-founded amendment to deauthorize a major reclamation project in my district.

The sponsor of the amendment has never testified before our Energy and Water Subcommittee in regard to the water project he seeks to deauthorize. His interest in it is new found. Yet he is allowed by the Rules Committee to offer an amendment to kill it. The Members, in their zeal to cut Government spending—a zeal I share—will probably want to vote to cut Government spending. But they are offered an extremely limited choice. In fact, the only way to vote to reduce Government spending under this procedure is to kill energy or water projects.

Energy and water projects are an extremely small part of the total Government budget and yet they alone are singled out for attack under this rule.

Mr. Speaker, I urge a "no" vote on this rule. The procedure it requires is discriminatory, unfair, hasty, and a terrible way to legislate.

Mr. RUDD. Mr. Speaker, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I am delighted to yield to the gentleman from Arizona.

Mr. RUDD. Mr. Speaker, I rise in opposition to the rule for House Joint

Resolution 631, making further continuing appropriations for fiscal year 1983.

This rule, which allows only 30 minutes of debate for each of 8 amendments on 87 separate and very complicated issues.

More significantly, there are several amendments allowed for in the rule which cover energy and water projects whose design, development, and construction go back literally decades. And yet, we as a body are asked to make decisions on these very important projects in 30 minutes time.

I understand the concerns that some Members have regarding these programs. However, a continuing resolution is not the proper forum from which to debate the merits of projects that have significant impact on the Federal budget, our energy situation, and the availability of precious water for our farms and cities.

Each of these projects under debate has been subjected and will be subjected to years of debate, analysis, and, of course, struggle. The authorizing committee of both Houses have struggled for many years on these projects. The Appropriations Committees work every year on each of these projects, and yet we as a body are being asked to make a decision in 30 minutes.

I urge my colleagues to oppose the rule for this continuing resolution and support the orderly legislative process that is the hallmark of our Federal Legislature.

□ 1145

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself 2 minutes, and I yield myself this time to react to the allegations that were made by the gentlewoman from Nebraska.

First of all, the court's duty and responsibility is to interpret the law; it is not to make the law. The mere fact that this project is in the courts is no reason for this Congress not to act on it.

You might recall that in 1980 former Congressman John Cavanaugh of Nebraska offered an amendment to do virtually the same thing that I will attempt to do later on in this bill. That failed by a very narrow vote of 211 to 202.

Second, the gentlewoman mentioned that this is a deauthorization. This is not a deauthorization. The bill would have to be deauthorized to the authorization committee and, hopefully, that will take place next year.

Third, the gentlewoman raised the issue of public support for this bill and this project in Nebraska. The Omaha paper, the main paper in Omaha, in a poll, showed 2 to 1 opposition against this very project in her own State. Fifty-thousand people have signed a petition to deauthorize and put an end to this project in Nebraska.

I will have much more to say about this project in the debate.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. EDGAR) for debate only.

Mr. EDGAR. Mr. Speaker, I rise in reluctant support of this continuing resolution. I find myself in a very precarious position because I find that I am the only Member of the House to request an amendment before the Rules Committee yesterday. That was denied. All other amendment requests were accepted.

I would like to ask just a basic question, and that is: Who in this House, who of our colleagues, is afraid of an up or down vote on the Tennessee Tombigbee Waterway?

I share with my colleagues two exhibits.

EXHIBIT A

H. RES. —

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 631) making further continuing appropriations and providing productive employment for the fiscal year 1983, and for other purposes, the first reading of the joint resolution shall be dispensed with, and all points of order against the joint resolution are hereby waived. After general debate, which shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations and shall be confined to the joint resolution and the amendments made in order by this resolution, the joint resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order except the following amendments printed in the CONGRESSIONAL RECORD of December 13, 1982, which shall be in order any rule of the House to the contrary notwithstanding, shall be considered if offered only in the following order, and shall not be subject to amendment but shall each be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto: (1) an amendment by, and if offered by, Representative Edwards of California; (2) an amendment by, and if offered by, Representative Simon of Illinois; (3) an amendment by, and if offered by, Representative Tauzin of Louisiana; (4) an amendment by, and if offered by, Representative Fazio of California; (5) an amendment by, and if offered by, Representative Traxler of Michigan and said amendment shall be in order even if the amendment No. 4 above is agreed to; (6) an amendment by, and if offered by, Representative Coughlin of Pennsylvania; (7) an amendment by, and if offered by, Representative Edgar of Pennsylvania; (8) an amendment by, and if offered by, Representative Bonior of Michigan; and (9) an amendment by, and if offered by, Representative Conte of Massachusetts. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as

may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, and all points of order are waived against instructions contained in a motion to recommit if—offered by Representative Conte of Massachusetts.

Exhibit A is the continuing resolution as drafted for consideration by the Rules Committee, which listed out nine amendments, not eight. One of those amendments was an up or down vote on the Tennessee Tombigbee Waterway. When this particular resolution was placed on the desk of the members of the Rules Committee, suddenly a caucus was called, and that particular rule was laid aside. The amendment to be offered by the gentleman from Pennsylvania was scratched out, and we got exhibit B, which is the rule that the gentleman from Michigan (Mr. BONIOR) is presenting us today.

EXHIBIT B
H. RES. —

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 631) making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes, the first reading of the joint resolution shall be dispensed with, and all points of order against the joint resolution are hereby waived. After general debate, which shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and shall be confined to the joint resolution and the amendments made in order by this resolution, the joint resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order except the following amendments printed in the Congressional Record of December 13, 1982, which shall be in order any rule of the House to the contrary notwithstanding, shall be considered if offered only in the following order, and shall not be subject to amendment but shall each be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto: (1) an amendment by, and if offered by, Representative Edwards of California; (2) an amendment by, and if offered by, Representative Simon of Illinois; (3) an amendment by, and if offered by, Representative Tauzin of Louisiana; (4) an amendment by, and if offered by, Representative Fazio of California; (5) an amendment by, and if offered by, Representative Traxler of Michigan, said amendment shall be in order even if the amendment No. 4 above is agreed to, and if amendments No. 4 and No. 5 are both agreed to, only amendment No. 5 shall be reported back to the House; (6) an amendment by, and if offered by, Representative Coughlin of Pennsylvania; (7) an amendment by, and if offered by, Representative Bonior of Michigan; and (8) an amendment by, and if offered by, Representative Conte

of Massachusetts. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, and all points of order are waived against instructions contained in a motion to recommit if offered by Representative Conte of Massachusetts, and against any amendment required by said instructions to be reported back to the House.

In this particular rule we do not have an opportunity to vote on the Tennessee Tombigbee Waterway.

Now, let me remind the House that in September the gentleman from Alabama (Mr. BEVILL), chairman of the subcommittee on water and energy issues, stood in the well of the House and said he was ready for consideration of that bill, he was ready in September, in October, and in November, and he was ready in December when we began this lameduck session. And yet no consideration of this bill has been presented.

Mr. Speaker, the chairman of the subcommittee is ready, the chairman of the full committee is ready, the House is going to be here for a number of days, there are less than 20 amendments offered to this particular bill in question. I think the full House should get full consideration on the Energy and Water Appropriation Act.

The amendment that I had planned to offer was a change of strategy. We are now supportive of the Tennessee Tombigbee Waterway. We were going to give this waterway \$60 million more than any other water project in the Nation. We were going to commit the Federal Government to complete the project, but ask that the States of Alabama and Mississippi provide just a minimal share. Their present share is 3.7 percent. We were going to request that they come up with some of the additional cost of a project that will eventually cost \$1.8 billion simply from Pickwick, Tenn., to Demopolis, Ala. And the question still in front of us is the question of whether to spend another billion dollars below Demopolis and whether to spend the money in the Port of Mobile to increase that particular harbor to receive the extra goods and services.

I asked the Members of this House: Who is afraid of that vote? It would simply reduce the expenditure for that project by \$100 million.

I urge a favorable consideration on the rule because the Rules Committee did act appropriately in allowing votes on other projects. I only regret that they did not include a vote on the Tenn-Tom project. Perhaps the "other body" will have more courage. Again, who is afraid of a vote on Tenn-Tom?

Mr. BONIOR of Michigan Mr. Speaker, I yield 5 minutes to the gen-

tleman from North Dakota (Mr. DORGAN) for purposes of debate.

Mr. DORGAN of North Dakota. Mr. Speaker, I rise in opposition to the rule that was crafted yesterday by the Rules Committee which would bring to the floor of this House a rule that permits in order amendments to strike funds for a number of projects, including one that is very important to North Dakota.

I think it is a terrible rule. It suggests that a project such as the one I am concerned about in North Dakota, and others that have been described here on the floor, can be debated for 30 minutes, and then this body can take a vote on the merits or demerits of those projects.

When the gentleman from Massachusetts (Mr. CONTE) discussed his amendment, he said the House would have a chance to vote on this project. I am glad he said "vote" and not "consider" because certainly this House will not have a chance to fully consider the merits of this project in 30 minutes. It is a disservice, I think, to an orderly process, and a disservice to full consideration to suggest that projects like the Garrison diversion project, which has been in the planning for 30 years, can be debated, discussed, and considered by this House in 30 minutes. That is why I oppose the rule.

Now, history is full of people in this country who have said no to everything. All along the way, at every step in building this country, people have said no, we cannot do that, it wastes money, it is the wrong approach, we should not do it. It is easy to say no. It is a lot more difficult to determine what should be done, what should be done for States and regions and all parts of this country to make it a better country.

We have a project in North Dakota called the Garrison diversion project. It is a project that was promised us as part of the Pick-Sloan flood control plan in the 1940's. I just want to tell the Members what the bargains was so that they all know.

In the 1940's, some folks came to North Dakota and to some other parts of the region, and they said, "We do not want it to flood any more in Kansas City, Mo. We do not like floods in Kansas City, Mo." They said, "We want reliable downstream river navigation. We want cheap hydroelectricity. So what we would like you to do up there in North Dakota is build a dam for you that would flood 550,000 acres of some of your best land. As a result, we get the benefits downstream—flood protection, navigation, hydroelectric power—from that dam. You get a permanent flood, a flood that comes and stays, flooding over half a million acres. Therefore we will give you, as part of the bargain, a water resource

development program called Garrison diversion."

That was in the 1940's. Today, 1982, to the floor comes a bill with \$4 million for Garrison diversion. That is cosmetic money for many of the projects around here. At the rate of \$4 million a year it would take 200 years to build that project. And then some folks come to the well of the House and say, "Well, what we have got to do now is change the bargain. We have changed our minds. We are going to kill the Garrison diversion project. It is not any good they charge. It is environmentally unsound they say. The cost-benefit ratio does not work they allege."

That is all nonsense. And if we had the time on the floor this afternoon I could prove it is nonsense. I intend to make a good start during the 30 minutes. That is why the rule is such a tragedy. We cannot fully discuss this issue in 15 minutes on the pro side for Garrison diversion. We cannot do that.

But let me in the couple of minutes that I have available discussing the rule just to respond to the opponents who say that the cost-benefit ratios do not add up for the Garrison diversion program. Well, of course they do not add up if you ignore all of the benefits that accrue to the major parts of the project downstream. How many hundreds and hundreds of millions of dollars have been saved by having provided the flood protection to downstream cities? You need remedial arithmetic if you want to figure out cost benefits without considering these massive benefits.

Some say, "Well, this project will affect Canada, and Canada is upset about it." And they say we should not build it because Canada objects. I hope every Member of the House understands when they vote on this project that not \$1 of the \$4 million we are asking for will affect Canada with return flows into Canada from this project. It simply is not true. We are building phase 1 of the project. That does not include return flows to Canada. And the Canadian argument is specious with respect to phase 1 of this project.

Some say it will ruin the environment. That is absolute nonsense. We produce 85 percent of the wildlife waterfowl in our part of the country. For every acre that we take out of wetlands for this project, we are mitigating acres and replacing them. This will not damage the environment.

My point is that the arguments against this project are nonsense, and I hope we will vote down this rule. I think it is a travesty to tell States like North Dakota and others that have worked for 30 years for these kinds of projects, that we are going to bring to the floor and debate it for 30 minutes.

I think what we ought to do is vote this rule down. We will get the energy

and water bill to the floor, and we will vote on these projects up or down and then we can fully debate these issues and be fair to States like North Dakota.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes for debate only to the chairman of the Committee on Appropriations, the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, at this time may I say that I realize the Rules Committee faces different circumstances. But I would like to call attention to the problems that we have on our committee.

I wrote the Rules Committee this time with the hope that this resolution be considered in the House with only two amendments in order, that having to do with the jobs section and that having to do with a pay raise restriction. I will insert at the end of these remarks a copy of my letter to the Rules Committee. Various amendments would have the effect of going beyond the duration of this resolution, and I think it would be very unwise to restrict or cut out these projects for this brief period. The stopping and the starting would be unconscionable, the cost would be high, and it would not have the end result that the proponents say it would have.

So I say here that I believe in looking after our country. I worked hard with the help of the Committee on Appropriations. We went back over the record of the hearings and looked for proposals that had been made to take care of our own country and not let it go down. At the request of the leadership I prepared a resolution, with the help of the various Appropriations Committee subcommittees, those things which our country could use and which we need. Keep in mind that all these figures we have been voting out for military spending and everything else is useless unless we have a strong economy.

I thought it well to call attention to the Nation and my colleagues not that we ought to create jobs but our first responsibility ought to be to do the work that is necessary to build up, protect, and support the wealth of the country that we have, including military. It is necessary that we look after our own country.

Again, I appreciate the problems that the Rules Committee had, and I can understand what they did. But I remind you again: We have got to have a bill signed by the President in 4 days. That means a bill through the House, it means agreement with the Senate. I realize the effect this jobs bill may have in that. But I assure you that we cannot let the Government cease on Friday as the Attorney General says it would. We will have to do whatever is necessary. But whatever may happen, I urge the Members to read what is in my letter to the Rules

Committee. It will show that we asked for a rule where we would consider it in the House, and I do hope that we will turn these amendments down, because it would be only for this short interim period, and we will just complicate things and it will cost money, because I feel sure they will appear in the bill that we bring up.

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., December 10, 1982.

HON. RICHARD BOLLING,
Chairman, Committee on Rules, House of
Representatives, Washington, D.C.

DEAR MR. CHAIRMAN. The Committee on Appropriations today reported a joint resolution making further continuing appropriations and providing for productive employment for fiscal year 1983. The Committee has reported twelve of the thirteen regular annual appropriation bills, and eleven of these bills have passed the House. It is hoped that conference on several bills will be cleared before the end of the session. Despite the concerted efforts of the Committee, it appears certain that several bills will not be enacted into law by December 17, 1982, the termination date of the current continuing resolution.

The Attorney General's April 25, 1980, decision will require the shutdown of agency operations if appropriations are not enacted by December 17. In addition, because of the severe unemployment situation facing the country, the Committee has included a second title in the joint resolution making appropriations which will create productive employment and help improve certain deteriorating conditions. Therefore, we would respectfully request a hearing before your Committee on an appropriate rule for the orderly and prompt consideration of this joint resolution.

The broad nature of a continuing resolution could make it open to any germane amendment. In the past, continuing resolutions have been considered in the House, which has proved beneficial. The time element makes this almost imperative.

There is one matter which deserves separate attention. The cap on salaries of federal executives which includes Members of Congress which was in the version of the resolution which I recommended was stricken by an amendment. The stated purpose of the amendment was to allow the House an opportunity to limit executive salaries that would otherwise occur automatically under existing law. This right must be protected and the House must be allowed an opportunity to vote on this matter.

The Committee greatly appreciates the continued cooperation you have given us on these matters.

Sincerely,

JAMIE WHITTEN,
Chairman.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume, and I would urge my colleagues to vote against the rule. We should not have these up or down votes which eliminate public works jobs, but should continue the projects to continue jobs. So I think it is time that we really face the facts of life and pass a continuing resolution which is free of the Christmas tree amendments and go from there.

Mr. Speaker, I yield 4 minutes to the gentleman from New Hampshire (Mr. GREGG).

□ 1200

Mr. GREGG. Mr. Speaker, today we will take up the issue of Clinch River. There has been some concern expressed as to why we are getting this issue with only 30 minutes of debate. The basic reason is that finally the Rules Committee recognized it was simply unfair not to allow the House of Representatives to vote on this very important issue. We failed to get an energy and water bill up this year which would have had the issue in it. We failed in the Committee on Science and Technology to get an authorization bill up which would have had this issue in it, whereas last year when it came before the Committee on Science and Technology we defeated it. We failed in the last continuing resolution to get this issue before the House.

Therefore, it is time we take up this issue.

Granted the time will be short, the debate will be truncated. But everybody in this House has heard much of the debate. This year all we have to add to that debate is some additional studies. Those studies conclude and reinforce what we have been finding out year after year, and that is that it is not a salable project, it is not a viable project.

We heard earlier from the gentlewoman from Tennessee that there was a question of termination cost versus completion costs. Yes, termination costs will mean we spend about \$1.5 billion on this project. But if we go to completion, we now find out it is going to cost us \$8 billion to complete this project.

When this was originated it was a \$700 million project. Now it has escalated to \$8 billion and there has not been a shovel turned. It is not in the ground yet. What will be the actual cost of this project? When this project was begun, let us remember, the private sector was going to pay for 50 percent of the project. Today they are paying for less than 2 percent of this entire project.

You ask yourselves, is it a viable project? Obviously it is not a viable project if the private sector has backed out for 48 percent of its commitment to the project.

What we really have here in Clinch River is the question of whether we are going to have commercialized nuclear energy in this country or we are going to have nationalized nuclear energy in this country.

Under the light water system which we now have we have nuclear plants which can be built in the private sector. They are competitive in the private sector. Under the breeder program we do not have a plant that can

be built in the private sector and be competitive in the private sector.

The reason the breeder reactor is not competitive is that it was proposed in the early seventies when we felt that nuclear fuel was going to become scarce and unavailable. For a breeder reactor to be competitive in the private sector, nuclear fuel must cost at least \$165 a pound. Today it is \$20 and less per pound.

In the early seventies when we designed the breeder the theory was that we were going to have reduced nuclear availability and supply. Today we actually have an expanding supply of nuclear fuel to the point where uranium mines are closing down throughout the country due to oversupply.

What this plan essentially means, if we approve the Clinch River breeder reactor, is that we are going to end up with a nuclear industry which cannot compete in the private sector because the cost of fuel will never make it competitive in the private sector and therefore it must constantly come to the Government for its funding, for its support, and for its operation.

The effect of that is to nationalize the nuclear industry.

As someone who has supported light water reactors, who comes from a State which has the Seabrook powerplant, which is probably the key nuclear issue in the country, and supports the completion of that light water reactor, I find it totally inexcusable that we as a Congress would nationalize this industry at this time and create a business climate where the light water people will not be able to compete because they will be competing with the Federal Government which is building breeder reactors.

This is a boondoggle in the classic sense. It is a project which cannot stand on its own two feet and yet claims it is a private sector project. We should defeat this project.

The SPEAKER. The time of the gentleman from New Hampshire (Mr. GREGG) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 1 additional minute to the gentleman from New Hampshire.

Mrs. BOUQUARD. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentlewoman from Tennessee.

Mrs. BOUQUARD. Mr. Speaker, would the gentleman concede the GAO has estimated this project will cost \$3.6 billion and the reason for the increase in the cost of the project to this level is because of the political debate, because of the years we have put off the construction of the Clinch River breeder reactor, and that 90 percent of the design of Clinch River is complete and plant equipment procurement is more than 70 percent complete that we should go ahead with construction?

Mr. GREGG. I would have to disagree. I think this afternoon when we get into the debate we will bring in the GAO reports which show they are estimating costs at approximately \$8 billion.

Mrs. BOUQUARD. Does the gentleman know of any other research and development project where the interest in the national debt has been computed in the cost of a project?

Mr. GREGG. I am relying on the GAO report. The GAO report says \$8 billion. Maybe the gentlewoman wants to disagree with how GAO arrives at their figures. That is the gentlewoman's representation, that is the gentlewoman's right. But we started off this project at \$700 million. We are now up to \$8 billion. Even if we are at the \$3.2 billion which the gentlewoman is estimating, we cannot make this project competitive in this century, and we cannot make this project competitive going into the next century.

Mrs. BOUQUARD. This is a research and development project that allows us to continue the nuclear option.

Mr. GREGG. This is a demonstration project, as the gentlewoman knows.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, over 190 Members wanted to make some adjustments on the Tennessee Tombigbee project in this last year. This is not a small matter. This is the largest works project in the country. We have a rule that slithered out from under the Rules door, has come down here, and it is shabby procedure. Some deals have been cut that I do not think redound to the benefit or certainly the credit or the good name of this body.

They talk about jobs. If we were building the pyramids in the middle of Iowa, we would call it a jobs bill. The Tennessee Tombigbee Canal should have some adjustments made to it, and it is a wrong rule that we cannot touch that project now. I know the gentleman, the chairman, said in his opinion we should go forward, but this is a legislature with 435 Members. I think it is shabby procedure, and I hope my colleagues will vote this rule down.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BURGNER).

Mr. BURGNER. Mr. Speaker, I rise in opposition to this rule. It is a very frustrating rule to all Members, regardless of which side they are on—the Clinch River breeder reactor, the O'Neal unit, the Garrison diversion—they are important issues. And they ought to at least be deserving of full scale, unlimited, and uninhibited debate. To take them up under these conditions is not fair to the Members of this House.

I am hopeful, Mr. Speaker, that we can defeat the rule, have these issues discussed rationally, at length, and then make a proper decision. But not under these procedures or this rule. I urge its defeat.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, it is very interesting to listen to the opposition from the Republican side of the aisle to the jobs portion of this legislation. They suggest that these jobs are somehow not real and that they are not long term. Apparently from their viewpoint, unless you are on a career ladder to becoming the vice president of Chase Manhattan Bank, it is not a real job.

Let me suggest for the 12 million people who are out of work, who are in the construction trades, who are blue collar workers, who are trying to feed their families, the jobs that this bill would provide, the jobs with brick and mortar and paint, are real.

The suggestion has been made that these are Government jobs. Let me also suggest when we put these jobs out to bid they will employ private sector engineers, private sector architects, and private sector individuals to paint buildings, build buildings, and repair the infrastructure of this country.

They also suggest apparently there is no such thing as a real job created by Government unless it is created through a tax subsidy, unless we give away billions of dollars to corporations in the hope that they might create a job. Let me tell my colleagues there is more certainty that a job will be created under title II of this bill than there was under the tax bill that the Reagan administration pushed on this country 2 years ago. Since this administration entered office 2 years ago with the promise of economic rejuvenation resulting from massive tax cuts for the wealthy, the unemployment rate has skyrocketed by 30 percent to a postwar high of nearly 11 percent. We are still looking for the first job created by that policy.

Let me also note that they say these jobs will come too late. Well, I listened to the President's economic advisers. They tell us we are going to go along for the next 1½ or 2 years in excess of 9 percent unemployment. Apparently there will be plenty of unemployed people for the next 2 years to take these jobs as the money becomes available.

I would also like to point out to Members of Congress that included in title II of this bill is a section to provide for employment-related day care, so that workingwomen who have been forced out or kept out of the job market, women who are seeking to

enter the job market to support their families, will have day care available to them. Study after study tells us that as many as 12 to 15 percent of the women in this country who want to work cannot get into the job market because of inadequate day care for their children. I would also suggest to my friends on the Republican side of the aisle that when they have the necessary day care, these women will be entering the job market in private sector jobs. They will be going into entry level, they will be leaving the welfare rolls, they will be leaving the unemployment rolls for a paycheck.

I suspect I know why the Republicans would not like this legislation to come to the floor. This legislation contains money for soup lines, money for food distribution, money for blankets and emergency shelter, with money for day care, with money to help low-income housing. This bill is a signal to this country that we are in a full-blown emergency, that we have 12 million jobless people who are walking the streets. We have modern-day "Okies" traveling from Lansing and Detroit to Orange County, Calif., to Arizona, to Colorado in a desperate search for jobs in the Sun Belt, as our Secretary of Labor advised the jobless to do last year. But those States and those cities are full up, their people are unemployed, and there are no jobs.

So the question is, who will try to help? And the suggestion from the Democratic side of the aisle is a practical, as well as a compassionate one. Rather than paying an additional \$5 billion in unemployment benefits, why do we not try to put it into paychecks and get people back to work? Why do we not spend a fraction of someone's annual welfare expenses or unemployment expenses, and provide day care so that that person, who wants to work, can go out and find a job?

I believe that this is a sound approach. I have read the comments of the president of the Bank of America and that organization's chief economists, and others who have concluded that however much they liked the concept of Reaganomics, however much they had hoped Reaganomics would prove the magical elixir to cure our economic problems, they have concluded that Reaganomics is a failure, that it has not stimulated the economy, that it was founded on false hopes and fake projections, and that we need another approach to move out of this recession. That message does not appear to have taken hold of the administration, which is now recommending that we cut into Mr. Reagan's \$180 billion deficit by slashing away at miniscule programs like the Center for Disease Control and the Indian child welfare program. Perhaps that message has not gotten across to

the depleted number of Republican Members in this Congress.

But I believe that is the message coming from the people of this country: Not a return to irresponsible spending or programs that do not work, but innovation and compassion for the victims of this depression. I believe the people of this country are tired of the Reagan administration's willingness to tamper with the economy and subsidize billions of dollars in benefits for wealthy individuals and corporations, and its refusal to demonstrate any concern or support for the millions of Americans who are jobless, impoverished, and endangered because of its irresponsible economic gamble.

This legislation is an attempt to respond to that great need in a responsible and timely way. I hope that the House will pass this legislation today and that the administration will accept this mandate to act on behalf of millions of Americans who need the help of their Government.

● Mrs. SCHNEIDER. Mr. Speaker, I intend to vote for the motion to recommit the continuing resolution offered by the gentleman from Massachusetts, which contains instructions to strike title II.

In doing so, I am not opposing job programs—indeed, I have supported every job training and creation proposal we have considered in the past 2 years. Rather, I am sending a message to the leadership of this House that the way to show leadership in the jobs area is not to throw money at the problem in a continuing resolution but to take the time to formulate a meaningful, sound solution to the unemployment problem.

This proposal was drafted in haste with a minimum of thought. Let us send the bill back to committee and put a lot more people back to work—on a long-term basis—than the 300,000 or so your proposal would portend to include.

Thank you, Mr. Speaker. ●

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing debate on this rule, I think it is quite evident this is not a perfect rule. It was a very difficult rule to craft.

Let me initially point out there was only one objection in the Rules Committee to the rule and that was by the gentleman from Tennessee (Mr. QUILLEN). Subsequently, the gentleman from Arizona has expressed his opposition to the rule.

It was a difficult rule to put together because of the situation that we find ourselves in in this body with respect to the budget and with respect to giving Members of the House of Representatives a chance to vote on bills such as the energy and water resources bill. We tried to be as repre-

sentative as we could in selecting amendments that would allow Members to express their will in the area of foreign aid, in the area of water and energy resources, in the area dealing with pay for Members. And we think we did a good job. We hope Members will consider this when they vote on this rule, and I would encourage Members to cast affirmative votes so we can get on with the business of this House.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 163, not voting 47, as follows:

[Roll No. 443]

YEAS—223

Addabbo	Dyson	Howard
Akaka	Eckart	Hoyer
Alexander	Edgar	Huckaby
Anderson	Edwards (CA)	Hutto
Andrews	English	Jones (NC)
Annunzio	Erdahl	Jones (TN)
Applegate	Erlenborn	Kastenmeier
Aspin	Ertel	Kazen
AuCoin	Evans (GA)	Kennelly
Bailey (PA)	Fary	Kildee
Barnard	Fasell	Kogovsek
Barnes	Fazio	LaFalce
Bedell	Ferraro	Lanctos
Benedict	Fiedler	Latta
Bennett	Fish	Leland
Bereuter	Flippo	Livingston
Bevill	Florio	Long (LA)
Biaggi	Foglietta	Long (MD)
Bingham	Foley	Lott
Boggs	Ford (MI)	Lowry (WA)
Boland	Ford (TN)	Luken
Bolling	Fountain	Lundine
Boner	Fowler	Madigan
Bonior	Frank	Markey
Bonker	Fuqua	Marriott
Bowen	Garcia	Matsui
Breaux	Gejdenson	Mattox
Brinkley	Gephardt	Mavroules
Brooks	Gibbons	Mazzoli
Burton, Phillip	Ginn	McClary
Byron	Gonzalez	McCurdy
Chisholm	Gore	McDade
Clay	Gray	McHugh
Clinger	Green	McKinney
Coelho	Gregg	Mica
Collins (IL)	Grisham	Michel
Conable	Guarini	Mikulski
Conte	Gunderson	Miller (CA)
Conyers	(IN)	Mineta
Coughlin	Hall (OH)	Minish
Coyne, William	Hall, Ralph	Mitchell (MD)
D'Amours	Hall, Sam	Moakley
Daschle	Hance	Molinari
de la Garza	Harkin	Mollohan
Dellums	Hatcher	Murphy
Dicks	Hawkins	Murtha
Dingell	Hefner	Natcher
Dixon	Heflert	Nelson
Donnelly	Hertel	Nowak
Dowdy	Hillis	Oakar
Downey	Hollenbeck	Oberstar
Dwyer	Horton	Ottenger

Panetta
Pashayan
Patterson
Pease
Pepper
Perkins
Peyser
Price
Rahall
Rangel
Ratchford
Reuss
Rinaldo
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roybal
Russo
Sabo
Santini

Sawyer
Scheuer
Schneider
Schumer
Seiberling
Shamansky
Shannon
Simon
Smith (IA)
Smith (PA)
Snyder
Solarz
St Germain
Stark
Stokes
Stratton
Studds
Stump
Swift
Synar
Tausin
Traxler
Udall

Vander Jagt
Vento
Walgren
Washington
Watkins
Waxman
Weaver
Weber (MN)
Weiss
White
Whitley
Whitten
Williams (MT)
Wirth
Wolpe
Wright
Wyden
Yates
Young (MO)
Zablocki
Zeferetti

NAYS—163

Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey (MO)
Beard
Bethune
Billey
Bouquard
Broomfield
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Campbell
Carman
Clausen
Coats
Coleman
Collins (TX)
Corcoran
Courtner
Coyle, James
Craig
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daub
Davis
Dickinson
Dorgan
Dornan
Dreier
Duncan
Dunn
Early
Edwards (AL)
Edwards (OK)
Emerson
Emery
Evans (IA)
Fenwick
Fields
Findley
Forsythe
Frenzel
Gaydos
Gilman
Glickman
Goodling
Gradison

Gramm
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hiller
Holt
Hopkins
Hubbard
Hughes
Hyde
Jeffords
Jeffries
Jenkins
Johnston
Jones (OK)
Kemp
Kindness
Kramer
Lagomarsino
Leach
LeBoutillier
Lent
Levitas
Lewis
Loeffler
Lowery (CA)
Lujan
Lungren
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
McCloskey
McCollum
McDonald
McEwen
McGrath
Miller (OH)
Mitchell (NY)
Moore
Moorhead
Morrison
Mottl
Myers
Napier
Nelligan
O'Brien
Obey
Oxley
Parris
Patman
Paul

Petri
Pickle
Porter
Pritchard
Pursell
Quillen
Regula
Rhodes
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roth
Roukema
Roussellot
Rudd
Schroeder
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Siljander
Skeen
Skeltion
Smith (AL)
Smith (NE)
Smith (NJ)
Smith (OR)
Solomon
Spence
Stangeland
Stanton
Staton
Stenholm
Tauke
Taylor
Thomas
Tribble
Volkmer
Walker
Wampler
Weber (OH)
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wyllie
Yatron
Young (AK)
Young (FL)

NOT VOTING—47

Albosta
Anthony
Bellenson
Beilenson
Brodehead
Brown (CA)
Burton, John
Carney
Chappell
Chappie
Cheney
Crockett
Deckard
DeNardis
Derrick
Derwinski

Dougherty
Dymally
Evans (DE)
Evans (IN)
Fithian
Frost
Gingrich
Goldwater
Hagedorn
Heckler
Hendon
Holland
Hunter
Ireland
Jacobs
Leath

Lee
Lehman
Marks
Martinez
Moffett
Montgomery
Neal
Nichols
Rallsback
Rosenthal
Savage
Schulze
Shuster
Snowe
Wilson

□ 1215

The Clerk announced the following pairs:

On this vote:

Mr. Brown of California, with Mrs. Snowe against.

Messrs. WORTLEY, VOLKMER, PARRIS, and GLICKMAN changed their votes from "yea" to "nay."

Messrs. STUMP, WHITE, and SAM B. HALL, JR., changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1230

REDUCING RATE OF CERTAIN TAXES PAID TO VIRGIN ISLANDS

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7093) to amend the Internal Revenue Code of 1954 to reduce the rate of certain taxes paid to the Virgin Islands on Virgin Island source income, with the Senate amendments thereto, to concur in the Senate amendment to the title of the bill, to disagree to Senate amendments 2, 3, and 4, and to concur in the Senate amendment numbered 1 to the text of the bill with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the text of the bill and the House amendments to the Senate amendment numbered 1, as follows:

Senate amendments:

(1) Page 4, after line 12, insert:

SEC. 2. CONTINUED PAYMENT OF DISABILITY BENEFITS DURING APPEAL.

(a) Section 223 of the Social Security Act is amended by adding at the end thereof the following new subsection: "Continued Payment of Disability Benefits During Appeal

"(g)(1) In any case where—

"(A) an individual is a recipient of disability insurance benefits, or of child's, widow's, or widower's insurance benefits based on disability.

"(B) the physical or mental impairment on the basis of which such benefits are payable is found to have ceased, not to have existed, or to no longer be disabling, and as a consequence such individual is determined not to be entitled to such benefits, and

"(C) a timely request for a hearing under section 221(d), or for an administrative review prior to such hearing, is pending with respect to the determination that he is not so entitled,

such individual may elect (in such manner and form and within such time as the Secretary shall by regulations prescribe) to have the payment of such benefits, and the payment of any other benefits under this Act based on such individual's wages and self-employment income (including benefits under title XVIII), continued for an additional period beginning with the first month beginning after the date of the enactment of this subsection for which (under such de-

termination) such benefits are no longer otherwise payable, and ending with the earlier of (i) the month preceding the month in which a decision is made after such a hearing, (ii) the month preceding the month in which no such request for a hearing or an administrative review is pending, or (iii) June 1984.

"(2)(A) If an individual elects to have the payment of his benefits continued for an additional period under paragraph (1), and the final decision of the Secretary affirms the determination that he is not entitled to such benefits, any benefits paid under this title pursuant to such election (for months in such additional period) shall be considered overpayments for all purposes of this title, except as otherwise provided in subparagraph (B).

"(B) If the Secretary determines that the individual's appeal of his termination of benefits was made in good faith, all of the benefits paid pursuant to such individual's election under paragraph (1) shall be subject to waiver consideration under the provisions of section 204.

"(3) The provisions of paragraphs (1) and (2) shall apply with respect to determinations (that individuals are not entitled to benefits) which are made—

"(A) on or after the date of the enactment of this subsection, or prior to such date but only on the basis of a timely request for a hearing under section 221(d), or for an administrative review prior to such hearing, and

"(B) prior to October 1, 1983."

(2) Page 4, after line 12, insert:

SEC. 3. PERIODIC REVIEWS OF DISABILITY CASES.

Section 221(i) of the Social Security Act is amended—

- (1) by inserting "(1)" after "(i)";
- (2) by inserting ", subject to paragraph (2)" after "at least every 3 years"; and
- (3) by adding at the end thereof the following new paragraph:

"(2) The requirement of paragraph (1) that cases be reviewed at least every 3 years shall not apply to the extent that the Secretary determines, on a State-by-State basis, that such requirement should be waived to insure that only the appropriate number of such cases are reviewed. The Secretary shall determine the appropriate number of cases to be reviewed in each State after consultation with the State agency performing such reviews, based upon the backlog of pending reviews, the projected number of new applications for disability insurance benefits, and the current and projected staffing levels of the State agency, but the Secretary shall provide for a waiver of such requirement only in the case of a State which makes a good faith effort to meet proper staffing requirements for the State agency and to process case reviews in a timely fashion. The Secretary shall report annually to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the determinations made by the Secretary under the preceding sentence."

(b) The amendments made by subsection (a) shall become effective on the date of the enactment of this Act.

(3) Page 4, after line 12, insert:

SEC. 4. MEDICAL EVIDENCE.

(a) Section 221 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j) In any case of a medical review of the continuing disability of an individual, before making a final determination with respect

to any such individual, the Secretary shall make every reasonable effort to seek and obtain all relevant medical evidence from all persons or institutions which have diagnosed or treated such individual with respect to his impairment or impairments within the preceding 12-month period. In making such final determination the Secretary shall consider all evidence available in such individual's case record relating to such impairment or impairments, including medical evidence used in making the initial determination that the individual was under a disability and medical evidence used in any subsequent review, determination, or judicial review relating to such impairment or impairments. Nothing in the preceding sentence shall be considered to preclude the Secretary from finding an individual to be ineligible on the basis that such individual is not disabled within the meaning of the term disability for purposes of initial determinations under this title even if such individual's medical condition has not improved or otherwise changed since any prior determination of his eligibility. Discussion of such evidence shall be included in the statement of the case required to be provided under section 205(b)."

(b) The amendment made by subsection (a) shall become effective on the date of the enactment of this Act.

(4) Page 4, after line 12, insert:

SEC. 5. REPORT BY SECRETARY.

Section 221(i) of the Social Security Act (as amended by section 3 of this Act) is further amended by adding at the end thereof the following new paragraph:

"(3) The Secretary shall report semiannually to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the number of reviews of continuing disability carried out under paragraph (1), the number of such reviews which result in an initial termination of benefits, the number of requests for reconsideration of such initial termination or for a hearing with respect to such termination under subsection (d), or both, and the number of such initial terminations which are overturned as the result of a reconsideration or hearing."

Amend the title so as to read: "An Act to amend the Internal Revenue Code of 1954 to reduce the rate of certain taxes paid to the Virgin Islands on Virgin Islands source income, to amend the Social Security Act to provide for a temporary period that payment of disability benefits may continue through the hearing stage of the appeals process, and for other purposes."

House amendments to Senate amendment numbered 1: In lieu of the matter proposed to be inserted by Senate amendment numbered 1, strike out all after the enacting clause of the House engrossed bill and insert in lieu thereof the following:

SECTION 1. INCOME TAX RATE ON VIRGIN ISLANDS SOURCE INCOME.

(a) IN GENERAL.—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1954 (relating to possessions) is amended by inserting after section 934 the following new section:

"SEC. 934A. INCOME TAX RATE ON VIRGIN ISLANDS SOURCE INCOME.

"(a) GENERAL RULE.—For purposes of determining the tax liability incurred by citizens and resident alien individuals of the United States, and corporations organized in the United States, to the Virgin Islands pursuant to this title with respect to amounts

received from sources within the Virgin Islands—

"(1) the taxes imposed by sections 871(a)(1) and 881 (as made applicable to the Virgin Islands) shall apply except that '10 percent' shall be substituted for '30 percent', and

"(2) subsection (a) of section 934 shall not apply to such taxes.

"(b) SUBSECTION (a) RATES NOT TO APPLY TO PRE-EFFECTIVE DATE EARNINGS.—

"(1) IN GENERAL.—Any change under subsection (a)(1), and any reduction under section 934 pursuant to subsection (a)(2), in a rate of tax imposed by section 871(a)(1) or 881 shall not apply to dividends paid out of earnings and profits accumulated for taxable years beginning before the effective date of the change or reduction.

"(2) ORDERING RULE.—For purposes of paragraph (1), dividends shall be treated as first being paid out of earnings and profits accumulated for taxable years beginning before the effective date of the change or reduction (to the extent thereof)."

(b) WITHHOLDING.—Subchapter A of chapter 3 of such Code (relating to withholding of tax on nonresident aliens and foreign corporations) is amended by adding at the end thereof the following new section:

"SEC. 1444. WITHHOLDING ON VIRGIN ISLANDS SOURCE INCOME.

"For purposes of determining the withholding tax liability incurred in the Virgin Islands pursuant to this title (as made applicable to the Virgin Islands) with respect to amounts received from sources within the Virgin Islands by citizens and resident alien individuals of the United States, and corporations organized in the United States, the rate of withholding tax under sections 1441 and 1442 on income subject to tax under section 871(a)(1) or 881 (as modified by section 934A) shall not exceed the rate of tax on such income under section 871(a)(1) or 881, as the case may be."

(c) TECHNICAL AMENDMENT.—Subsection (a) of section 934 of such Code is amended by inserting before the period at the end thereof "or in section 934A".

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by inserting after the item relating to section 934 the following new item:

"Sec. 934A. Income tax rate on Virgin Islands source income."

(2) The table of sections for subchapter A of chapter 3 of such Code is amended by adding at the end thereof the following new item:

"Sec. 1444. Withholding on Virgin Islands source income."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts received after the date of the enactment of this Act in taxable years ending after such date.

(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to payments made after the date of the enactment of this Act.

SEC. 2. CONTINUED PAYMENT OF DISABILITY BENEFITS DURING APPEAL

Section 223 of the Social Security Act is amended by adding at the end thereof the following new subsection: "Continued Payment of Disability Benefits During Appeal

"(g)(1) In any case where—

"(A) an individual is a recipient of disability insurance benefits, or of child's, widow's,

or widower's insurance benefits based on disability.

"(B) the physical or mental impairment on the basis of which such benefits are payable is found to have ceased, not to have existed, or to no longer be disabling, and as a consequence such individual is determined not to be entitled to such benefits, and

"(C) a timely request for a hearing under section 221(d), or for an administrative review prior to such hearing, is pending with respect to the determination that he is not so entitled,

such individual may elect (in such manner and form and within such time as the Secretary shall by regulations prescribe) to have the payment of such benefits, and the payment of any other benefits under this Act based on such individual's wages and self-employment income (including benefits under title XVIII), continued for an additional period beginning with the first month beginning after the date of the enactment of this subsection for which (under such determination) such benefits are no longer otherwise payable, and ending with the earlier of (i) the month preceding the month in which a decision is made after such a hearing, (ii) the month preceding the month in which no such request for a hearing or an administrative review is pending, or (iii) June 1984.

"(2)(A) If an individual elects to have the payment of his benefits continued for an additional period under paragraph (1), and the final decision of the Secretary affirms the determination that he is not entitled to such benefits, any benefits paid under this title pursuant to such election (for months in such additional period) shall be considered overpayments for all purposes of this title, except as otherwise provided in subparagraph (B).

"(B) If the Secretary determines that the individual's appeal of his termination of benefits was made in good faith, all of the benefits paid pursuant to such individual's election under paragraph (1) shall be subject to waiver consideration under the provisions of section 204.

"(3) The provisions of paragraphs (1) and (2) shall apply with respect to determinations (that individuals are not entitled to benefits) which are made—

"(A) on or after the date of the enactment of this subsection, or prior to such date but only on the basis of a timely request for a hearing under section 221(d), or for an administrative review prior to such hearing, and

"(B) prior to October 1, 1983."

SEC. 3. PERIODIC REVIEWS OF DISABILITY CASES.

Section 221(i) of the Social Security Act is amended—

(1) by inserting "(1)" after "(i)";

(2) by inserting ", subject to paragraph (2)" after "at least every 3 years"; and

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

"(2) The requirement of paragraph (1) that cases be reviewed at least every 3 years shall not apply to the extent that the Secretary determines, on a State-by-State basis, that such requirement should be waived to insure that only the appropriate number of such cases are reviewed. The Secretary shall determine the appropriate number of cases to be reviewed in each state after consultation with the State agency performing such reviews, based upon the backlog of pending reviews, the projected number of new applications for disability insurance benefits, and the current and projected staffing levels of

the State agency, but the Secretary shall provide for a waiver of such requirement only in the case of a State which makes a good faith effort to meet proper staffing requirements for the State agency and to process case reviews in a timely fashion. The Secretary shall report annually to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the determinations made by the Secretary under the preceding sentence."

(b) The amendments made by subsection (a) shall become effective on the date of the enactment of this Act.

SEC. 4. EVIDENTIARY HEARINGS IN RECONSIDERATIONS OF DISABILITY BENEFIT TERMINATIONS.

(a) IN GENERAL.—Section 205(b) of the Social Security Act is amended—

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

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

"(2) In any case where—

"(A) an individual is a recipient of disability insurance benefits, or of child's, widow's, or widower's insurance benefits based on disability,

"(B) the physical or mental impairment on the basis of which such benefits are payable is found to have ceased, not to have existed, or to no longer be disabling, and

"(C) as a consequence of the finding described in subparagraph (B), such individual is determined by the Secretary not to be entitled to such benefits,

any reconsideration of the finding described in subparagraph (B), in connection with a reconsideration by the Secretary (before any hearing under paragraph (1) on the issue of such entitlement) of his determination described in subparagraph (C), shall be made only after opportunity for an evidentiary hearing, with regard to the finding described in subparagraph (B), which is reasonably accessible to such individual. Any reconsideration of a finding described in subparagraph (B) may be made either by the State agency or the Secretary where the finding was originally made by the State agency, and shall be made by the Secretary where the finding was originally made by the Secretary. In the case of a reconsideration by a State agency of a finding described in subparagraph (B) which was originally made by such State agency, the evidentiary hearing shall be held by an adjudicatory unit of the State agency other than the unit that made the finding described in subparagraph (B). In the case of a reconsideration by the Secretary of a finding described in subparagraph (B) which was originally made by the Secretary, the evidentiary hearing shall be held by a person other than the person or persons who made the finding described in subparagraph (B)."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to reconsiderations (of findings described in section 205(b)(2)(B) of the Social Security Act) which are requested on or after such date as the Secretary of Health and Human Services may specify, but in any event not later than January 1, 1984.

SEC. 5. CONDUCT OF FACE-TO-FACE RECONSIDERATIONS IN DISABILITY CASES.

The Secretary of Health and Human Services shall take such steps as may be necessary or appropriate to assure public understanding of the importance the Congress attaches to the face-to-face reconsiderations provided for in section 205(b)(2) of the

Social Security Act (as added by section 4 of this Act). For this purpose the Secretary shall—

(1) provide for the establishment and implementation of procedures for the conduct of such reconsiderations in a manner which assures the beneficiaries will receive reasonable notice and information with respect to the time and place of reconsideration and the opportunities afforded to introduce evidence and be represented by counsel; and

(2) advise beneficiaries who request or are entitled to request such reconsiderations of the procedures so established, of their opportunities to introduce evidence and be represented by counsel at such reconsiderations, and of the importance of submitting all evidence that relates to the question before the Secretary or the State agency at such reconsiderations.

SEC. 6. REPORT BY SECRETARY.

Section 221(i) of the Social Security Act (as amended by section 3 of this Act) is further amended by adding at the end thereof the following new paragraph:

"(3) The Secretary shall report semiannually to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the number of reviews of continuing disability carried out under paragraph (1), the number of such reviews which result in an initial termination of benefits, the number of requests for reconsideration of such initial termination or for a hearing with respect to such termination under subsection (d), or both, and the number of such initial terminations which are overturned as the result of a reconsideration or hearing."

SEC. 7. OFFSET AGAINST SPOUSES' BENEFITS ON ACCOUNT OF PUBLIC PENSIONS.

(a) IN GENERAL.—Subsections (b)(4)(A), (c)(2)(A), (e)(8)(A), (f)(2)(A), and (g)(4)(A) of section 202 of the Social Security Act are each amended—

(1) by striking out "by an amount equal to the amount of any monthly periodic benefit" and inserting in lieu thereof "by an amount equal to one-third of the amount of any monthly periodic benefit"; and

(2) by adding at the end thereof the following new sentence: "The amount of the reduction in any benefit under this subparagraph, if not a multiple of \$0.10, shall be rounded to the next lower multiple of \$0.10."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section shall apply with respect to monthly insurance benefits payable for months in the 60-month period beginning December 1, 1982. After the close of such 60-month period, the provisions of the Social Security Act to which such amendments relate shall read as they would if this section had not been enacted.

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments and the House amendment to Senate amendment 1 thereto be considered as read and printed in the RECORD.

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

Mr. ARCHER. Mr. Speaker, reserving the right to object, and I shall not object, I would like to engage in a brief colloquy with my friend and colleague,

the chairman of the Subcommittee on Social Security of the Committee on Ways and Means, the gentleman from Texas (Mr. PICKLE).

It is my understanding that the first section of this bill is a noncontroversial bill relating to the Virgin Islands. However, the other body has added to this bill, by amendment, provisions that affect the continuing disability investigations, or CDI's. That body has sent us the basic language, but it is my understanding that the gentleman from Texas, after consultation with a number of colleagues and with the administration, has worked out some adjustments to accommodate the language in this section to make it relatively noncontroversial, at least from his point of view.

As the gentleman knows, I am not particularly happy about the resolution of CDI problems in the legislation before us. I feel very strongly that the disability insurance program requires further review and very likely some major improvements.

I also am extremely concerned about the way in which important, far-reaching legislation is developed in such a short period of time. When we do this sort of thing, we often make mistakes. I have a feeling that this may be another instance of acting in haste so that we can repent at leisure.

The disability insurance program, although in relatively good financial condition today, Mr. Speaker, probably needs the kind of reform which this legislation does not address in any way.

For example, many Members have thought for a long time that the entire hearings and appeals process should be shortened, without abridging the rights of anyone, to save both taxpayers and claimants a great deal of time and money.

I would hope that the chairman of the subcommittee would agree that what we are doing here today should in no way be construed to deter any efforts which might come later to effect the kind of reform which a number of my colleagues and I have in mind and have discussed with him so often in the past.

I wonder if the gentleman from Texas would like to comment.

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

Mr. ARCHER. I am happy to yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Speaker, I assure the gentleman that there will be no lessening of efforts next year to try to find substantive reform in the manner in which we handle disability reviews. It is a very serious problem and has plagued all of us because we have many people throughout the country who have been injured, or felt they have been,

by the review; yet we must find a better solution.

What we are offering here today is the result of a general compromise between the Members of the House and the other body. What we have done simply is that we have taken the Senate bill and accepted three provisions: First, in termination cases we would continue benefits, if the individual so requests, until there has been a decision by an ALJ. This provision would apply only for a limited period of time. Second, we would give the Secretary of the HHS authority to slow down numbers of the reviews. Third, we would provide that reports would be made to the Congress semi-annually.

Now, we went one step further: We have said that by January 1, 1984, there will be a face to face evidentiary hearing at reconsideration in termination cases. We engaged in colloquy with many Members and secured agreement from them to assure that we are testing to see how this procedure will work. We are trying to avoid any controversial reform at this point.

Having said that, I think we all recognize we are trying to find a better way to handle it in the future, but we do not close the record at this point. I think there is general agreement, but I assure the gentleman again that that will be something we will have to consider next year or in the months ahead.

We have also in this bill provided further relief in the area of the public pension offset.

Mr. ARCHER. Mr. Speaker, further reserving the right to object, I would be happy to yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I want to thank my good friend, the gentleman from Texas (Mr. ARCHER), for yielding.

Mr. Speaker, I rise in strong support of the amendments made to this bill with respect to social security disability, and I urge my colleagues to support this measure. Moreover, I ask my colleagues to accept this language, with the amendments, and send it over to the other body so that we can get some type of legislation passed this year.

Mr. Speaker, the choice before us today is very plain. There is no question that substantial changes need to be made in the social security disability law. To those who plan to make those changes in the 98th Congress, I pledge my fullest support. But today is the day that we are faced with a more immediate, and more pressing choice: What will we do and that will we say to the disabled of this country?

Last March, the Reagan administration followed the letter of the law in beginning the reviews of social security disability recipients all across the country. In a program with 2.4 million Americans involved, there is bound to

be some abuse; no one argues that such a review is not necessary or desirable. The issue, however, is not whether or not the legislation is necessary—it is whether or not it is being done properly and well.

The evidence indicates that it is not.

The overwhelming evidence is of people in comas being terminated from the disability rolls. It is of individuals committing suicide when they learn that their benefits are ending when they have no other source of income. It is of people dying after being told that they are "no longer disabled." In my own hometown, one man attempted suicide when hearing of his potential termination. That man is now crippled from the neck down. The Los Angeles Times and the New York Times are just two of countless newspapers across this Nation that have documented several other examples. We cannot argue that a problem does not exist.

A problem does exist—a very serious one. It exists because a legitimate change was made in the law, but no parameters were provided to effect those changes. In Massachusetts, the review backlog is almost 7 months. In New Jersey, it is almost 9. New England as a whole is not much better, and the problem is getting worse. We need to take action, and we need to take action now.

This bill is not perfect. While, to its credit, it slows down the reviews process and continues benefit payments through the administrative law judge level, it does not address the issue of medical improvement. Next year, next Congress, is a better time to fully review the disability program. But today we need to act, and this bill is a good compromise, and a good solution. I commend my colleague and friend from Texas, Mr. PICKLE, for allowing this bill to come to the floor.

You know, it is all quite fitting that this debate take place in the "People's House." We represent the people here—all of the people: the perfectly healthy and the totally disabled. They are waiting for us to provide some guidelines to the Social Security Administration so that the unfairness associated with this worthy review concept is eliminated. Terminate those who are able to work, yes; but don't terminate them when they clearly cannot.

This is not a political issue, and it is not being done for political gain. It is being done because it is right. When the other body passed this bill, they did so by a 70-to-4 vote. Those of us in the people's House owe this to all the citizens of America. The situation in past months needs to be corrected, and it does not speak highly of anyone in Government. I say to my colleagues on both sides of the aisle who have supported these disability reforms, pass

this bill, send it to the Senate, and send a message to all Americans, disabled and healthy, that we truly are the people's House.

Thank you, Mr. Speaker.

Mr. ARCHER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, I would like to thank the gentleman for yielding, and commend the gentleman from Texas for bringing this legislation to the attention of the House in a very timely fashion.

I rise in support of H.R. 7093, as presented to us today. This bill addresses the serious problems we face in the area of disability review.

Congress has been addressing this issue for many months, and I feel we are now presented with a good solution to the problem. In brief, H.R. 7093 in this form will continue disability benefits and medicare through appeal to the ALJ hearing level for those under CDI review. The Secretary of HHS will have the authority to slow down the number of reviews being sent to the State agencies for review to levels below those required by the 1980 amendments. The Secretary will also be required to report to the Finance and Ways and Means Committees semiannually on all aspects of the CDI process. Face-to-face evidentiary hearings will be required at the reconsideration level of the appeals process no later than January 1, 1984. H.R. 7093 contains language designed to guarantee that the Social Security Administration will take every possible step to fulfill the intent of this law. Finally, a section will be added to the Senate version of this bill that remedies problems caused by the expiration of the public pension exception clause.

In Vermont a number of disability insurance recipients have gone close to a year without benefits while their case was under review, only to have their benefits reinstated at the ALJ level. The tragedies that occurred from this procedure have been documented, and I am happy to see this body address the problem in a straight-forward way.

While the administration correctly responded to a congressional request to increase the review rate of disability recipients—and I commend the Social Security Administration for doing so—the continued reports of people being wrongfully removed from the disability rolls, and the disappearance of many of these people's only income in the form of disability insurance benefits during the review process, is wrong. We must respond to these problems immediately.

The proposed amendments to this bill do not alter the intent of the

Senate-passed bill—which is a basically sound solution to the problem. This version of H.R. 7093 will simply be a stronger statement by Congress on the disability issue, and will effect immediate improvements in the disability situation.

I encourage my colleagues to vote for this bill.

Thank you.

Mr. ARCHER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of these interim amendments. I do urge the distinguished chairman, the gentleman from Texas (Mr. PICKLE) to continue to give his full attention to this serious problem of the method by which we send cases to the administrative law judge level.

Mr. Speaker, the review of disability cases currently underway should not cause undue hardship to those innocent elderly who are truly deserving and disabled. It was in 1980, before I was a Member of this distinguished body, that the Congress enacted the Disability Amendments of 1980 which mandated periodic review of disability determinations and it was President Carter and the Secretary of HEW Joseph Califano who asked for the weeding out of those who were abusing the system.

Last year Congress had presented to us a GAO report which found that an alarming \$2 billion was being handed out each year to people who were no longer disabled. This week another study's findings were released indicating that this figure may well be as high as \$4 billion each year. Over half of this abuse is occurring because beneficiaries did not report the fact that they had returned to work or that their condition had improved. Certainly it is important to decrease this abuse so that benefits for those truly deserving can be protected.

However, it has become clear that in a large number of cases, elderly and disabled individuals have undergone severe hardship when their benefits have been discontinued unjustly. Often benefits are stopped abruptly while it may be 12 to 18 months before benefits can be restored through the appeal process.

Despite the difficulties for the disabled that have occurred because of this stepped-up review process, there has been a problem getting action on this issue by the Ways and Means Social Security Subcommittee in the House. I commend the chairman of the subcommittee, Mr. PICKLE, for the sensible interim approach his subcommittee has taken on this issue with H.R. 7093.

Although this compromise does not represent a long-term solution to the

problems of the continuing disability investigation program, allowing recipients to continue to draw benefits while they appeal their review decision to the administrative law judge level as provided in H.R. 7093, will alleviate the most serious hardships endured by those truly deserving. It is my sincere hope that a sound, long-term, final solution to the problems with the disability program will be discussed and agreed upon as soon as possible in the new 98th Congress.

Mr. ARCHER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding.

Mr. Speaker, I concur with the actions being taken here today.

Mr. Speaker, I would like to commend the chairman and the ranking minority member of the Social Security Subcommittee, Mr. PICKLE and Mr. ARCHER, for their work in reaching a compromise on this important bill. I am hopeful that the Senate will agree to the House language. I think that we all agree that there is a profound need for us to pass social security disability legislation in this session of Congress. To date, about 200,000 people have been terminated from the disability insurance rolls since the continuing disability review process was begun in March 1981. Of the 50 percent who have appealed their terminations, 67 percent have been returned to the program through the appeals process. Every month that we delay, another 53,000 cases are reviewed by State agencies and about 22,000 beneficiaries terminated. Based on current data, we can expect about 7,500 of these beneficiaries to be erroneously terminated next month. What this means is people with acute, chronic, and often terminal illness will be taken off the disability rolls with, at most, 2 months notice. Many of these people have no income other than money that they receive from the Social Security Administration.

What happens to these individuals and their families is tragic. There are documented cases of people committing suicide after receiving their notices of termination. There are cases of people dying during or directly after the medical examinations imposed on them by the continuing disability reviews. Often this is because they are sent to doctors who are not their own treating physician and have no previous knowledge of their health conditions and the threat these tests may pose to the person's life. And then there is the growing body of evidence uncovering people who have died from conditions that the Social Security Administration said they did not have or that were not serious enough to keep them from working.

I have never been one who believes that we should pass Federal legislation based on anecdotal information, but the stories that we are hearing come from every State in the Nation and many of these have been clearly substantiated. I feel compelled to read you four examples that appeared in a recent article in the Los Angeles Times so that you can begin to feel these "statistics."

Thomas A. Alvey, 47, of La Habra. He died August 26 of heart disease six months after he had been declared fit for work and no longer eligible for disability benefits. After his benefits were cut off, the former supermarket manager was forced to subsist on an \$81.67 monthly Federal stipend and help from his mother, whose only income was from social security.

Ernestina Orozco, 45, of La Puente, A mother of two teenagers, she was to have been informed by the Social Security Administration that her two types of cancer were not sufficiently serious to keep her from working. But on August 9—two days before the notification was mailed—Mrs. Orozco died of cancer of the colon.

Willie Simmons, 47, of Reseda. He was removed from the disability rolls in February because his extremely painful "multiple neurological degenerative disease" were not considered debilitating enough to keep him from working as a hospital clerk. He died of those multiple ailments in May.

Victor Graf, 59, of Stockton he had been receiving disability benefits because of a heart condition. He received a letter from social security in July saying his disability payments would cease in September. He visited his cardiologist on August 2 to get more medical evidence in an attempt to show disability evaluators they had erred in his case. But within six hours after he left the doctor's office, Graf died of a heart attack.

To correct actions taken by Congress in 1980 and signed into law by President Carter—we are asking today for the passage of a simple emergency bill to better protect the disability insurance recipients until comprehensive legislation can be taken up next year. We are seeking to slow down the review process so that the State staff responsible for adjudication will have the time to do thorough, accurate assessments. The administration must see some merit to a slowdown as the Social Security Administration has implemented a limited slow down within the confines of the existing law. We are seeking to extend the benefits to persons who chose to appeal their terminations through the administrative law judge process. We do this for three reasons: First, 67 percent of the appealed terminations have been wrong; second, there is clearly established legal principle that legitimately awarded benefits should not be taken away without due process; and third, people who have been erroneously terminated have faced additional, devastating hardships such as the loss of their homes, the loss of their cars and bankruptcy. It is not taking about 11 months from the time one is terminated to the time one actually receives a

check after a reversal at the administrative law judge level. Even for those persons who are reinstated and receive retroactive benefits, it is often too late to save their homes for the mortgages have already been foreclosed. Many will never have another opportunity to own a home again. Furthermore, during the appeals process, beneficiaries are deprived of their medicare benefits. Since they have substantially reduced income, many cannot afford the necessary medical care and prescriptions that their health condition requires. Many people's health has severely deteriorated during this protracted time period.

Mr. Speaker, I believe that this bill, which will continue benefits and medicare, will substantially improve the lives of thousands of people throughout the Nation. I thank all my colleagues who have worked so hard to get this bill before the House today and strongly urge its passage.

Mr. ARCHER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, what I have not heard yet in all this colloquy, but could the gentleman give us some explanation as to just exactly what it is we are doing? There seems to be some disagreement, if I heard correctly, as to whether or not what we are doing is substantive or whether or not what we are doing is basically going around—because this is a program that for all its merits, and it has many, has risen in cost over the last 25 years by 1,500,000 percent.

Now, if we are doing something which is going to be a substantive kind of change in this program and we are doing it in haste, we are doing it at the end of a session, we are doing it with a Senate add-on, then I think the House ought to be aware of that and maybe we ought to be a little more cautious about just where we are going.

I have not heard an explanation yet as to just what we are doing and how much it is going to cost us.

Mr. ARCHER. Mr. Speaker, further reserving the right to object, I would say to the gentleman that this bill does not go nearly as far in reform as I would like to see, as I mentioned, in the hearings and appeals process. However, it is my understanding that there will be a net benefit both to the Government and to the claimants out of the terms that have been put into this bill. I am given some assurance, and I cannot speak for the administration, that the administration feels that this on balance will be beneficial, although it does not go nearly as far as many of us would like to have gone.

Mr. WALKER. If the gentleman will yield further, could the gentleman explain to us how we are going to get the

net benefit to the recipients and to the Government?

Mr. ARCHER. The gentleman from Texas (Mr. PICKLE) was beginning to describe that, and I yield to the gentleman to continue with his explanation.

Mr. PICKLE. If the gentleman will yield further, let me repeat again for you: What we are doing with this stop-gap measure is to continue benefits to the administrative law judge level.

Second, we give authority to the Secretary of HHS to slow down some of the review; and, third, we require the Secretary to issue reports back to the Congress periodically.

We went one step further to say that there must be a face-to-face evidentiary hearing at reconsideration in termination cases and the Secretary of HHS must give information to the claimants that they should bring their evidence in, present all facts at the reconsideration level. It also requires that HHS tell all of its field offices to stress the importance of the reconsideration level.

We are trying to say to everybody, the intent is to move this evidence up so we can see it; but we are not closing the record at this point. That is a very controversial thing. I think after a period of 6 months to a year, we will have a lot more experience in knowing how to handle it. We are not going to say that we are just going to forget it, I assure you.

What we are trying to do is test what is the best way. I believe what we arrived at is what is the best thing to do, under the circumstances, for those people having their benefits cut off. I think this is the general agreement.

Mr. Speaker, the House passed H.R. 7093 on September 20, 1982. As passed by the House, H.R. 7093 would make it clear that only a 10-percent tax will be imposed on passive income from the Virgin Islands when the recipient is a U.S. individual or corporation and that there will be a corresponding withholding obligation on the Virgin Islands payor of the income. The bill also allows the Virgin Islands government to reduce this 10-percent rate at its discretion.

At present, U.S. tax laws are applied, under a "mirror image" system, as the local tax law in the Virgin Islands. It is the position of the Internal Revenue Service that a non-Virgin Island person who is a recipient of passive income from the Virgin Islands is subject to a 30-percent Virgin Islands tax. Without inference regarding the correctness of this position under present law, the bill imposes the 10-percent tax rate I have described.

The Senate passed H.R. 7093 December 3, 1982, by a vote of 70 to 4 with amendments attached that deal with the social security disability reviews.

This Congress has struggled all year with the problem of the continuing

disability investigations in social security. The Committee on Ways and Means recognized this problem early—raised in the Congress, held hearings on it and passed legislation, H.R. 6181, to deal with it.

That legislation is good legislation, but I recognize and the committee recognizes that we cannot solve this problem now in a lameduck session. However, we believe some progress can be made now, recognizing that more progress must be made in the near future.

Two things are needed: relief and reform. Beneficiaries need relief. And substantive reform is the only way to provide permanent relief.

The bill before us, which consists of Senate amendments to a House bill would: First, continue benefits for those appealing to an ALJ for a limited time—basically from now until next June on terminations made by October of 1983; second, give the Secretary of HHS authority to slow down the number of reviews being considered; and third, provide that reports be made to Congress every 6 months on the continuing disability reviews.

The bill also contains a section dealing with the handling of medical evidence in reviewing termination cases.

We propose that we accept the first three provisions which I have outlined—benefits to the ALJ on a limited basis, authority to slow down the reviews, and regular reports to Congress.

We propose to drop the section regarding the handling of medical evidence.

We would also add some changes which will move us toward more substantive reform without at this time getting into or bogged down by controversial matters. We would require that by no later than January 1, 1984, a face-to-face evidentiary hearing be provided in termination cases at the reconsideration level. And we would require that the Secretary take all steps possible to insure that this process be a meaningful one.

We would not, however, make any changes in this bill regarding closing the record or the acceptability of medical evidence at various stages of review.

Finally, we provide a more permanent solution in the area of the public pension offset.

The problem we face is that passing so-called stopgap legislation which simply extends benefits in disability termination cases will make the problems facing claimants worse. I think most Members agree with this. Lack of action on reforms during this session of Congress means that it is likely to be 1984 before anything substantive can be done, especially since the consideration of financing legislation will be the first priority of 1983.

The Subcommittee on Social Security has concluded that an earlier face-

to-face meeting between the beneficiary and decisionmaker and a generally "beefed-up" reconsideration process was the only practical option to enable SSA to handle these reviews expeditiously and get the beneficiary a fair and humane decision as early as possible in the decision. Long delays in reaching an ALJ and difficulties in hiring more ALJ's do not make that level the best for handling these reviews.

Making sure the reconsideration decisionmaker has all the available evidence is necessary in order to make a good judgment and in order to make that level more meaningful. I recognize, however, that fears are too great at this time to ask Congress impose any legal restrictions in this area without further experience.

We have made our intention clear that reconsideration must be strong, but we have reserved for the next Congress the final judgment on what the law itself should say about admissibility of evidence at each level. Our intent is clear, however, and I repeat: We must make reconsideration a strong level—that is, to make the case early.

All allowances and as many as 50 percent of the denials never reach an ALJ. The fundamental fact is that this process will not work if it is not strong up front. That is where most of the cases will continue to be heard and decided.

We must take this small step toward beefing up reconsideration to insure that we eventually provide the beneficiary with a process whereby he or she can receive a satisfactory decision as early in the process as possible and to insure that we do not continue to bog down our appeal process so that no one, beneficiaries under review or new claimants, can get their cases heard.

Finally, under section 7 of the House amendment, the current public pension dollar-for-dollar offset would be amended so that only one-third of the public pension would be used to reduce the social security spouse's benefit. For example, a person who receives a public pension of \$400 per month and is eligible for a spouse benefit of \$250 would actually receive a social security benefit of \$118. Under current law this person would receive no spouse benefit. This provision will expire in 5 years.

Many Members are concerned about female Government employees in their districts who are nearing retirement age but who were not eligible to receive their public pension prior to December 1, 1982, the date provided in the 1977 Social Security Amendments for the expiration of the public pension exception clause. I gave my word some time ago I would attempt to provide some relief in this area. I acknowledge the able and persistent leadership of Mr. Jacobs in pressing

this concern and of Mr. OBERSTAR in working with us to find a good solution.

There is widespread concern that these women made their retirement plans in reliance on the existence of the unreduced spouse's benefit just as much as other women who became eligible for their pensions before December 1, 1982. However, women who were eligible before December 1 have no offset and women who become eligible after December 1 are offset dollar for dollar.

These concerns led my Social Security Subcommittee last year to move to extend the exception clause in a modified version. This has not become law and, in the interim, a Federal district court in Alabama has issued an opinion in the Mathews against Schweiker case that the exception clause and the separability clause in the 1977 amendments are both unconstitutional. The judge's order was that SSA should go back and find the class of males who were denied benefits under the exception clause and pay them full benefits. This decision, if affirmed by the Supreme Court, will mean that action taken now to extend the offset exception for women would also extend it for men, increasing costs dramatically.

This amendment modifies the offset in a manner which will benefit those Government workers who have relatively small public pensions in comparison to their social security spouse's benefit. This is exactly the same group that we were seeking to help by extending the offset. However, this provision does not discriminate on the basis of gender, and, therefore, does not raise the constitutional issues which the original exception clause raised and any extension of it would raise. Costs associated with this amendment are very small—approximately \$135 million over the 5 years.

I urge, therefore, that the House accept these amendments to the Senate bill so that we can make progress in this Congress on these important issues.

I include here a factsheet explaining these amendments:

PROPOSED AMENDMENT TO SENATE-PASSED DISABILITY AMENDMENTS, H.R. 7093

Several amendments primarily aimed at relieving the CDI situation were attached by the Finance Committee in September to H.R. 7093, a Ways and Means revenue bill on the Virgin Islands. These amendments would do the following:

Sec. 1. Clarifies the rate of certain taxes paid to the Virgin Islands on Virgin Island source income.

Sec. 2. Continue disability, benefits and Medicare coverage through appeal to the ALJ hearing level for beneficiaries who have their benefits terminated as the result of a CDI. The payments under this provision will be effective only through June 1984, for termination decisions made prior to October 1983;

Sec. 3. Give the Secretary authority to slow down the number of cases sent to the State agencies for re-examination, below the rate required by the 1980 amendments to review all beneficiaries at least once every 3 years;

Sec. 4. Requires the State agencies to use all relevant medical evidence from the 12-month period preceding the review and to review all evidence contained in the beneficiary's folder in conducting the review. Senator Long added a requirement to this provision that a beneficiary can still be found ineligible even if his medical condition has not improved since his initial determination.

Sec. 5. Require the Secretary to report to the Finance and Ways and Means Committees semi-annually on the CDI process and percentages of terminations, reconsideration requests, and ALJ reversals.

The disability amendments were approved by the Senate on December 3, 1982, by a vote of 70 to 4. The Virgin Islands amendment has been approved by the House as H.R. 7093 and by the Senate both as H.R. 7093 and as part of H.R. 5470.

The proposed amendment would:

1. Accept Sections 1, 2, 3, and 5 of H.R. 7093.

2. Delete Section 4 of H.R. 7093.

3. Add a new section which requires a face-to-face evidentiary hearing at the reconsideration level. This requirement would be effective no later than January 1, 1984, and would apply only in termination cases.

4. Adds a provision ordering the Secretary to take necessary steps to assure public understanding of the importance Congress attaches to the face-to-face reconsiderations and to the importance of submitting all evidence at that level.

5. Add a new section which could remedy the problems caused by the expiration of the public pension exception clause on December 1, 1982. This section avoids constitutional problems which were posed by an extension of the exception clause but continues to provide at least partial social security spouses benefits—in a non-discriminatory manner—to women who retire from government service. Specifically, the section would reduce the social security spouse benefit by 33% of the government pension and would apply to benefits payable for the 60-month period beginning December 1, 1982.

Following is a fuller explanation of the public pension offset.

PUBLIC PENSION OFFSET

Under current law, all persons who become eligible for a public pension based on noncovered government employment after November 30, 1982 will have any social security spouse's benefit reduced dollar-for-dollar by amounts received as a public pension.

This November 30, 1982 expiration date has not resulted from a recent legislative action. Rather, it has resulted from the language of the public pension offset exception clause which was enacted in 1977.

Last year during consideration of H.R. 3207 by the Social Security Subcommittee of the Committee on Ways and Means, the staff proposed a number of different options with respect to the exception clause. One of the options would have broken the public pension into two pieces: (1) social security equivalent; and (2) private pension equivalent. A person receiving social security as a worker as well as a private pension has only the social security worker's benefit offset against the spouse's benefit. There is good reason, therefore, only to reduce the

spouse's benefit by that portion of the public pension which is equivalent to social security. In the proposal the staff presented to the Subcommittee, a percentage of the public pension would have been used to offset the spouse's benefit, with the remainder of the public pension disregarded in the offset computation.

This option was passed over by the Subcommittee in favor of one under which the public pension exception clause would be gradually eliminated over the four-year period from December 1982 through November 1986. Workers who first become eligible subject to full offset of their social security spouses' benefit.

The amount of the public pension offset which would be effective during the phase-out period would be a certain percentage which would be determined based on the date on which the worker first became eligible to receive a public pension. The following schedule would be used to determine the percentage to be used in the offset:

Date on Which Worker is First Eligible for Public Pension and Offset Percentage:

Dec. 1982 through Nov. 1983—20.

Dec. 1983 through Nov. 1984—40.

Dec. 1984 through Nov. 1985—60.

Dec. 1985 through Nov. 1986—80.

As under the current exception clause, workers would also have to meet the requirements for entitlement to a dependent's benefit as they were in effect and being administered in January 1977 in order to qualify by this new exception clause.

Since no action beyond the Subcommittee level was taken on H.R. 3207, the public pension exception clause expired on December 1, 1982. Attempts to extend the exception clause have been complicated by the Mathews decision which, if affirmed by the Supreme court, would result in the retroactive entitlement of certain males who were denied benefits under the exception clause. This situation has resulted in widespread interest in both the House and Senate in enacting legislation before the end of the session which would address the concerns about the offset but solve the problem in a manner different than extending the exception clause—one which is not discriminatory. A provision under which one-third of a non-government pension would be counted would address the concerns in a non-discriminatory manner.

The two most important points to be made concerning the provision contained in the House amendment are:

(1) The offset would apply to all persons, male and female;

(2) The amount of the public pension which is used to reduce the social security spouse's benefit would be 33% of the government pension.

Thirty-three percent approximates the portion of the CSRS annuity which is equivalent to social security retirement benefits for the average earner.

It should be noted that this approach is not an extension of the exception clause. Under an extension of the exception clause (ignoring possible constitutional questions), few women would be offset and most men would be offset completely. Under the proposal some women would be offset but some men would not be.

Under the new offset provision, a person who receives a public pension of \$400 per month and is eligible for a spouse benefit of \$250 would actually receive a social security benefit of \$118. (This is determined by subtracting the offset amount which is $\$132$ ($.33 \times \$400$) from the spouse benefit of

\$250. Under current law this person would receive no spouse benefits. Under an extended exception clause, if this person were a female she would receive a \$250 spouse's benefit. A man would usually receive no spouse's benefit in this case.

Four general conclusions about a proposed solution to count one-third of the government pension in the offset are:

(1) In cases where there is a wide difference between the amounts of the two benefits, with the public pension being larger than the spouse's benefit, the amount of the offset is large. These cases would tend to be males who would already be affected anyway under current law.

(2) In cases where there is a wide difference between the amounts of the two benefits, with the public pension being smaller than the spouse's benefit, the offset is relatively small. These cases would tend to be women who have relatively small pensions based on their own work and relatively large spouse's benefits based on their husband's earnings.

(3) In cases where there is little difference between these two benefits, there is relatively little reduction. These cases would also tend to be women.

(4) Some women who would not be affected by the offset under an extension of the exception clause would be affected under this proposal. However, these women would have to have relatively large public pension.

The Office of the Actuary has estimated that the cost of this proposal. It seems to be approximately \$135 million through 1987. (By comparison, the cost of a five year extension of the exception clause for just women in \$420 million for this same period.) The cost of the proposal would increase by approximately \$100 million if the Mathews decision were reversed.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, do we have some idea as to the amounts of money as to how much money we are going to spend, how much it is going to cost the States, the amounts of money that we are considering here today?

Mr. ARCHER. I do not believe we have any definitive amounts because this will involve new procedures that are going to have to be implemented before we can really be sure just exactly what the final results are.

Mr. PICKLE. Mr. Speaker, will the gentleman yield further?

Mr. ARCHER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding further.

The Social Security Administrator has approved the language and the procedure we have adopted because they think it will be valuable to get this experience. So they approved the legislation we presented.

Mr. WALKER. I thank the gentleman.

Mr. FORD of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, I want to clear up one matter. Would the record be closed—and I guess I direct my question to the chairman of the Ways and Means Committee, the gentleman from Illinois, Mr. ROSTENKOWSKI. I just want to make sure for the record that the ALJ level, there the record will still remain open; we will not close the record at the State agency level?

Mr. ARCHER. The gentleman is correct.

Mr. FORD of Tennessee. Is that correct? I know in the committee with the legislation in particular, we talked about closing the record at the State agency level, but the record will remain open all the way to the administrative law judge level?

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

Mr. ARCHER. I will be happy to yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding further.

The gentleman knows full well that I think the record should be closed, at least the case should be made at the beginning and all evidence submitted.

We even offered a substitute for that in our subcommittee and passed it, saying that new evidence could be offered at the ALJ level on a worsening condition. But the question of evidence, medical evidence, is so controversial we are saying in this legislation that we will not close the record at the reconsideration level; that it will stay open. But instead, we are trying to say to everybody: Try to make your case early so we have the evidence. There is general agreement on that.

May I say to the gentleman that the chairman of the Aging Committee, Senator PEPPER, approves; Congressman SYNAR, who worked with us diligently to try to arrive at an agreement, has agreed to this procedure.

I think there is no disagreement with what we are trying to do. I am accepting this as a temporary measure until we can get some more experience.

Mr. FORD of Tennessee. I am not in disagreement with the bill. I just want to make sure that the record will not be closed at the State agency level.

● Ms. OAKAR. Mr. Speaker, since March 1981, the administration has accelerated implementation of the continuing disability investigation process, the results have been astounding. Approximately 150,000 disability insurance beneficiaries have been eliminated, causing hardship, both financial and emotional, to many defenseless human beings. Even more serious is the claim that this expanded review program has unnecessarily increased the number of cessations in an effort to save the Federal Government money, and that there are discrepancies in determining who is disabled.

As all of my colleagues realize, many disability recipients have been notified

that they will no longer be eligible for disability insurance, only to find out later, that their decisions have been overturned, and that they can go back onto the rolls. Sadly, for a handful of recipients, the news arrived too late. Other beneficiaries have become victims of the "waiting game." Backlogs at the State agency level have exacerbated the problems.

In my own State of Ohio, disabled constituents have written, illustrating their review process and the inconsistencies in determining eligibility. One gentleman, a social security disability recipient of 6 years has only one kidney. Recently, he received notification that his benefits are being terminated. At the present time, he is awaiting a decision from the appeals court.

Another constituent, who has been determined disabled, not only by the Social Security Administration, but also by the Veterans' Administration, has been denied further benefit payments.

It appears that a tightening of the regulations determining disability has proved discriminatory in many cases. I hope that by receiving testimony from our witnesses today, we will be able to determine exactly where the inconsistencies lie.

There is no question that the system needs to be improved, and Secretary Schweiker has made initial steps to alleviate some of the burden that has been placed on the agencies and the beneficiaries. We obviously have to go further. H.R. 7093 can provide further assurances that the disability review system can work efficiently and effectively.

The disability bill before us makes an attempt to improve this critical situation.

I commend Chairman ROSTENKOWSKI and Subcommittee Chairman PICKLE for moving on this legislation.

By striking the Long language, which was agreed to on the Senate floor, stating that one need not prove that medical improvements play a role in determining a disability, we will be taking a further step toward improvement.

Mr. Speaker, members of the Congressional Caucus on Women's Issues have been extremely concerned with the pension offset issue. As Chair of the Aging Committee's Task Force on Social Security and Women, I have been especially concerned about this unfair provision which has reduced social security spousal benefits as a result of the Government pension offset provision contained in the 1977 Social Security Amendments. We are pleased that Congressman PICKLE has responded to our concerns and has proposed an improvement responding to this dire situation. As of December 1, 1982, 5,000 women, retired from public service, dependent on social security spousal benefits, lost a signifi-

cant portion of their social security benefits. By 1987, the number of women affected by the 1977 Social Security Amendments is expected to reach 25,000. They are harshly affected by a dollar-for-dollar reduction, reducing social security benefits, by the amount of their public pension. For a woman who receives an average monthly public pension of \$873, and a spousal benefit of \$196 a month, the reduction translates into a matter of financial survival.

Although the offset provision is not completely repealed, this is a good first step and will reduce the hardship suffered by those penalized by the pension offset provision.

Mr. Speaker, it is clear that H.R. 7093 is not the final solution to two serious problems. It is a start, however, that can provide the impetus for greater and strong improvements in the 98th Congress. I support the efforts of the Ways and Means Chairman and urge my colleagues to do also. ●

● Mr. VENTO. Mr. Speaker, I rise in support of the compromise amendment to the Senate passed measure H.R. 7093.

Mr. Speaker, the continuing disability investigations accelerated to unreasonable levels by the Reagan administration has worked a very significant hardship on those who have been subjected to it. This measure as amended by unanimous consent by chairman of the subcommittee, Mr. PICKLE, will continue benefits through the administrative law judge level of appeal.

Second, it will send a signal to the Secretary of Health and Human Services to reduce the accelerated CDI's.

Third it will provide an annual report back to Congress concerning the social security disability program.

Mr. Speaker, many problems have resulted from the current CDI's. Individuals without any face-to-face interviews are declared ineligible for social security disability, inadequate notification in terms of recipients rights have also plagued the process. The upshot has been that over 200,000 people have been removed from social security disability, many I know inappropriately.

This measure H.R. 7093, as amended, will provide some much needed relief, but frankly what is most needed is a strong dose of commonsense in the SSA and the Reagan administration. Social security disability eligibility should not be withdrawn unless there are substantive evidence and certainly due process with benefits paid through the appeal procedure for those under CDI's should be provided.

Mr. Speaker, I would find very troublesome the section 4 added by the Senate, it seems to reverse the initial intent of the social security disability review solution that was added to the

measure and applaud efforts to remove it.

When the guidelines are established anew for the social security disability we must monitor it carefully to assure that the intent of this measure is fulfilled. The medical record of disability determination should be open through the administrative law judge level, surely this is appropriate.

Hopefully most applicants will make an effort to provide most medical information at the State determination level, however, we should not close our appeal process to facts which would affect the outcome of the determination, especially in light of the record of paper reviews and lack of client notification.

Mr. Speaker, I am also mindful of the Congressman OBERSTAR, spouse benefit measure which I have cosponsored inclusion in this measure and strongly support it and applaud my colleague from Minnesota for his hard work to correct this inequity.

Mr. Speaker, today we should all support these changes and I look forward to a careful and thoughtful consideration of other changes in the 98th Congress.●

● Mr. DOWNEY. Mr. Speaker, I rise in strong support of H.R. 7093. This bill provides emergency relief to one of the most vulnerable groups in our country today.

This legislation is long overdue. Lives have unnecessarily been lost because of delays in implementing remedial legislation. And the deaths are only the tip of an iceberg of human suffering resulting from administrative foulups in the social security disability program.

H.R. 7093, as amended by Chairman PICKLE, addresses the problems of the disability program in a number of important ways.

First of all, it contains slowdown provisions. This means that the Secretary of the Department of Health and Human Services now has the authority to reduce the number of cases that must be reviewed by each State. One of the major problems with the review process stems from the fact that States were simply given too many cases, too soon, and with too little staff support. This created a situation where hasty and poorly judged termination decisions were made, only to later find that 67 percent of those appealing the decision should not have been taken off in the first place.

The need for the slowdown is well illustrated by the New York State experience. Last September, New York had a backlog of 31,000 cases out of a total 60,000 cases under review. The State receives 12 percent of all continuing disability investigations nationwide, but was only capable of handling 7 to 8 percent of them.

A second provision of enormous importance allows for continued pay-

ment of benefits through the administrative law judge stage of the appeals process. The absolute necessity of continued payment of benefits was impressed upon me at a field hearing I held in my district on this issue last summer. The following statement from one of the witnesses eloquently expresses the incalculable emotional and financial strain of losing all financial support during the appeals process.

I just want to say that with the scare of open heart surgery; the stress of not being able to pay bills; the feelings of helplessness for myself and my wife of not being able to work; I've gone through all of these. But these are normal reactions for someone in my position. But to you I declare that, for someone such as I who should not be exposed to such extreme stress, the battle for a disability for which I am entitled is ridiculous. I have tried my best; but I am in debt, because I have to fight a system for help, that I have contributed to since the day I started working. I realize that some screening must be necessary because of false claims, but in my case, my family doctor has already advised the Social Security Review Board by letter that he wouldn't take any responsibility for my health if I returned to work too soon.

In closing I beg you to think of the people who do return to work rather than fight for disability; people who end up either permanently disabled or dead because they were disabled even though the system said they were not.

Finally, I want to congratulate Chairman PICKLE for his contributions to this bill. In particular, the addition of a face-to-face hearing at the reconsideration stage of appeals makes a constructive and much-needed administrative reform in the review process. I am confident that it will greatly improve the quality of decisions that are made by State agencies.

It is very likely that additional administrative reforms will be needed in the future. However, this bill addresses the immediate crisis, and injects some humanity into an inhuman bumbling, bureaucratic system.●

● Ms. FERRARO. Mr. Chairman, I rise in support of the amendment to lessen the adverse effects of the pension offset provision. Under this provision which has just become effective, dependent's benefits under social security are reduced dollar for dollar for any public pension received as a result of Government employment. We must act today to delay it or 5,000 women will lose a significant portion of their social security spousal benefits.

Had I been in Congress when this provision was considered, I would have opposed it on principle as well as practice. In principle, it is wrong to compare social security entitlements with pensions earned as a result of a career in public service. However, in practice, this offset is even more unfair. Application of the offset disproportionately affects older women, married and widowed, who would otherwise qualify for spouse's benefits as a result of their

husband's payments into the social security system. They would lose their benefits for one reason only—these women worked for the Government instead of another employer. This is simply not fair.

Over the past few years we have heard a lot about the feminization of poverty. Unless we act today, we will be responsible for relegating even more women to difficult economic conditions during their retirement years. I strongly urge my colleagues to support this amendment.●

Mr. PEPPER. Mr. Speaker, today the House is considering H.R. 7093 with a Senate amendment which is amended by a House amendment respecting the disability insurance program of the country. The author of this amendment was the able gentleman from Texas, Mr. PICKLE. This amendment most favorably affects the disabled people of this country. Mr. PICKLE worked long and hard in the development of this amendment showing his great compassion and concern for the disabled people. I wish in the warmest way to commend my dear friend Mr. PICKLE for his sponsorship of this amendment.

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

The SPEAKER. Is there objection to the request of the gentleman from Illinois (Mr. ROSTENKOWSKI) that the reading be dispensed with?

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

ORPHAN DRUG ACT

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5238) to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development of drugs for rare diseases and conditions, and for other purposes, with a Senate amendment thereto and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

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

Senate amendment:

Strike out all after the enacting clause and insert:

That (a) this Act may be cited as the "Orphan Drug Act".

(b) The Congress finds that—

(1) there are many diseases and conditions, such as Huntington's disease, myoclonus, ALS (Lou Gehrig's disease), Tourette syndrome, and muscular dystrophy which affect such small numbers of individuals residing in the United States that the diseases and conditions are considered rare in the United States;

(2) adequate drugs for many of such diseases and conditions have not been developed;

(3) drugs for these diseases and conditions are commonly referred to as "orphan drugs";

(4) because so few individuals are affected by any one rare disease or condition, a pharmaceutical company which develops an orphan drug may reasonably expect the drug to generate relatively small sales in comparison to the cost of developing the drug and consequently to incur a financial loss;

(5) there is reason to believe that some promising orphan drugs will not be developed unless changes are made in the applicable Federal laws to reduce the costs of developing such drugs and to provide financial incentives to develop such drugs; and

(6) it is in the public interest to provide such changes and incentives for the development of orphan drugs.

SEC. 2. (a) Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following:

"Subchapter B—Drugs for Rare Diseases or Conditions

"RECOMMENDATIONS FOR INVESTIGATIONS OF DRUGS FOR RARE DISEASES OR CONDITIONS

"SEC. 525. (a) The sponsor of a drug for a disease or condition which is rare in the States may request the Secretary to provide written recommendations for the nonclinical and clinical investigations which must be conducted with the drug before—

"(1) it may be approved for such disease or condition under section 505, or

"(2) if the drug is a biological product, before it may be licensed for such disease or condition under section 351 of the Public Health Service Act.

If the Secretary has reason to believe that a drug for which a request is made under this section is a drug for a disease or condition which is rare in the States, the Secretary shall provide the person making the request written recommendations for the nonclinical and clinical investigations which the Secretary believes, on the basis of information available to the Secretary at the time of the request under this section, would be necessary for approval of such drug for such disease or condition under section 505 or licensing under section 351 of the Public Health Service Act for such disease or condition.

"(b) The Secretary shall by regulation promulgate procedures for the implementation of subsection (a).

"DESIGNATION OF DRUGS FOR RARE DISEASES OR CONDITIONS

"SEC. 526. (a) The manufacturer or the sponsor of a drug may request the Secretary to designate the drug as a drug for a disease or condition which is rare in the States. If the Secretary finds that a drug for which a request is submitted under this subsection is being or will be investigated for a rare disease or condition and—

"(1) if an application for such drug is approved under section 505, or

"(2) if the drug is a biological product, a license is issued under section 351 of the Public Health Service Act,

the approval or license would be for use for such disease or condition, the Secretary shall designate the drug as a drug for such disease or condition. A request for a designation of a drug under this subsection shall contain the consent of the applicant to notice being given by the Secretary under subsection (b) respecting the designation of the drug.

"(b) Notice respecting the designation of a drug under subsection (a) shall be made available to the public.

"(c) The Secretary shall by regulation promulgate procedures for the implementation of subsection (a).

"PROTECTION FOR UNPATENTED DRUGS FOR RARE DISEASES OR CONDITIONS

"SEC. 527. (a) Except as provided in subsection (b), if the Secretary—

"(1) approves an application filed pursuant to section 505(b), or

"(2) issues a license under section 351 of the Public Health Service Act for a drug designated under section 526 for a rare disease or condition and for which a United States Letter of Patent may not be issued,

the Secretary may not approve another application under section 505(b) or issue another license under section 351 of the Public Health Service Act for such drug for such disease or condition for a person who is not the holder of such approved application or of such license until the expiration of seven years from the date of the approval of the approved application or the issuance of the license. Section 505(c)(2) does not apply to the refusal to approve an application under the preceding sentence.

"(b) If an application filed pursuant to section 505(b) is approved for a drug designated under section 526 for a rare disease or condition or a license is issued under section 351 of the Public Health Service Act for such a drug and if a United States Letter of Patent may not be issued for the drug, the Secretary may, during the seven-year period beginning on the date of the application approval or of the issuance of the license, approve another application under section 505(b), or, if the drug is a biological product, issue a license under section 351 of the Public Health Service Act, for such drug for such disease or condition for a person who is not the holder of such approved application or of such license if—

"(1) the Secretary finds, after providing the holder notice and opportunity for the submission of views, that in such period the holder of the approved application or of the license cannot assure the availability of sufficient quantities of the drug to meet the needs of persons with the disease or condition for which the drug was designated; or

"(2) such holder provides the Secretary in writing the consent of such holder for the approval of other applications or the issuance of other licenses before the expiration of such seven-year period.

"OPEN PROTOCOLS FOR INVESTIGATIONS OF DRUGS FOR RARE DISEASES OR CONDITIONS

"SEC. 528. If a drug is designated under section 526 as a drug for a rare disease or condition and if notice of a claimed exemption under section 505(i) or regulations issued thereunder is filed for such drug, the Secretary shall encourage the sponsor of such drug to design protocols for clinical investigations of the drug which may be conducted under the exemption to permit the addition to the investigations of persons

with the disease or condition who need the drug to treat the disease or condition and who cannot be satisfactorily treated by available alternative drugs."

(b) Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting before section 501 the following:

"Subchapter A—Drugs and Devices."

SEC. 3. Title II of the Public Health Service Act is amended by adding at the end the following:

"ORPHAN PRODUCTS BOARD

"SEC. 227. (a) There is established in the Department of Health and Human Services a board for the development of drugs (including biologics) and devices (including diagnostic products) for rare diseases or conditions to be known as the Orphan Products Board. The Board shall be comprised of the Assistant Secretary for Health of the Department of Health and Human Services and representative, selected by the Secretary, of the Food and Drug Administration, the National Institutes of Health, the Centers for Disease Control, and any other Federal department or agency which the Secretary determines has activities relating to drugs and devices for rare diseases or conditions. The Assistant Secretary for Health shall chair the Board.

"(b) The function of the Board shall be to promote the development of drugs and devices for rare diseases or conditions and the coordination among Federal, other public, and private agencies in carrying out their respective functions relating to the development of such articles for such diseases or conditions.

"(c) In the case of drugs for rare diseases or conditions the Board shall—

"(1) evaluate—

"(A) the effect of subchapter B of the Federal Food, Drug, and Cosmetic Act on the development of such drugs, and

"(B) the implementation of such subchapter;

"(2) evaluate the activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration for the development of drugs for such diseases or conditions,

"(3) assure appropriate coordination among the Food and Drug Administration, the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, and the Centers for Disease Control in the carrying out of their respective functions relating to the development of drugs for such diseases or conditions to assure that the activities of each agency are complementary,

"(4) assure appropriate coordination among all interested Federal agencies, manufacturers, and organizations representing patients, in their activities relating to such drugs,

"(5) with the consent of the sponsor of a drug for a rare disease or condition exempt under section 505(i) of the Federal Food, Drug, and Cosmetic Act or regulations issued under such section, inform physicians and the public respecting the availability of such drug for such disease or condition and inform physicians and the public respecting the availability of drugs approved under section 505(c) of such Act or licensed under section 351 of this Act for rare diseases or conditions,

"(6) seek business entities and others to undertake the sponsorship of drugs for rare diseases or conditions, seek investigators to facilitate the development of such drugs,

and seek business entities to participate in the distribution of such drugs, and

"(7) recognize the efforts of public and private entities and individuals in seeking the development of drugs for rare diseases or conditions and in developing such drugs.

"(d) The Board shall consult with interested persons respecting the activities of the Board under this section and as part of such consultation shall provide the opportunity for the submission of oral views.

"(e) The Board shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an annual report—

"(1) identifying the drugs which have been designated under section 526 of the Federal Food, Drug, and Cosmetic Act for a rare disease or condition,

"(2) describing the activities of the Board, and

"(3) containing the results of the evaluations carried out by the Board.

The Director of the National Institutes of Health and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration shall submit to the Board for inclusion in the annual report a report on the rare disease and condition research activities of the Institutes of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration; and the Secretary of the Treasury shall submit to the Board for inclusion in the annual report a report on the use of grants and controls provided pursuant to this Act. Each annual report shall be submitted by June 1 of each year for the preceding calendar year."

SEC. 4. (a) There are authorized to be appropriated \$14,000,000 in fiscal year 1983, \$18,000,000 in fiscal year 1984, and \$18,000,000 in fiscal year 1985. In order to assist eligible entities to defray the costs of qualified experimental expenses, as defined by this section.

(b) The Secretary is authorized to make grants to and enter into contracts with eligible entities in order to carry out the purposes of this section.

(c) An eligible entity is any manufacturer or sponsor which has received from the Secretary a designation for a drug pursuant to section 526(c) of the Food, Drug, and Cosmetic Act as amended by this Act.

(d) QUALIFIED EXPERIMENTAL EXPENSES.—For purposes of this section—

(1) IN GENERAL.—The term "qualified experimental expenses" means any amount paid or incurred for activities carried out—

(A) in connection with an exemption for a drug for a rare disease or condition under section 505(i) of the Federal Food, Drug, and Cosmetic Act, or regulations issued under such section, and

(B) after the date the drug is designated under section 526 of such Act.

(2) EXPENSES MUST BE RELATED TO USE FOR RARE DISEASE OR CONDITION.—Amounts may be taken into account under paragraph (1) only to the extent they are attributable to activities related to the use of a drug for the disease or condition for which it was designated under section 526 of the Federal Food, Drug, and Cosmetic Act.

(3) AMOUNTS PAID FOR LAND, ETC.—Amounts paid or incurred for land (or improvements to land) or for property of a character subject to the allowance for depreciation shall not be taken into account under paragraph (1), except that allowances under section 167 shall be treated as expenses.

HOME HEALTH SERVICES

SEC. 5. (a) Part D of title III of the Public Health Service Act is amended by inserting after subpart II the following new subpart:

"Subpart III—Home Health Services

"HOME HEALTH SERVICES

"SEC. 339. (a)(1) For the purpose of encouraging the establishment and initial operation of home health programs to provide home health services (as defined in section 1861(m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary may, in accordance with the provisions of this section, make grants to public and nonprofit private entities and loans to proprietary entities to meet the initial costs of establishing and operating such home health programs. Such grants and loans may include funds to provide training for paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act). The Secretary shall make grants and loans to entities for home health programs only in those areas which do not have adequate home health services, and shall give special consideration to areas with inadequate means of transportation to obtain necessary health services.

"(2) In making grants and loans under this subsection, the Secretary shall—

"(A) consider the relative needs of the several States for home health services; and

"(B) give preference to areas in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or disabled.

"(3)(A) No loan may be made to a proprietary entity under this section unless the application of such entity for such loan contains assurances satisfactory to the Secretary that—

"(i) at the time the application is made the entity is fiscally sound;

"(ii) the entity is unable to secure a loan for the project for which the application is submitted from non-Federal lenders at the rate of interest prevailing in the area in which the entity is located; and

"(iii) during the period of the loan, such entity will remain fiscally sound.

"(B) Loans under this section shall be made at an interest rate comparable to the rate of interest prevailing on such date with respect to the marketable obligations of the United States of comparable maturities, adjusted to provide for administrative costs.

"(4) Applications for grants and loans under this subsection shall be in such form and contain such information as the Secretary shall prescribe.

"(5) Payments under grants and loans under this subsection may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of such grants and loans.

"(6) There are authorized to be appropriated for grants and loans under this subsection \$5,000,000 for each of the fiscal years ending on September 30, 1983, and September 30, 1984.

"(b)(1) The Secretary may make grants to and enter into contracts with public and private entities to assist them in developing appropriate training programs for paraprofessional personnel to provide home health services.

"(2) Any program established with a grant or contract under this subsection to train homemaker health aides shall—

"(A) extend for at least forty hours, and consist of classroom instruction and at least twenty hours (in the aggregate) of supervised clinical instruction directed toward preparing students to deliver home health services;

"(B) be carried out under appropriate professional supervision and be designed to train students to maintain or enhance the personal care of an individual in his home (but not including any structural changes to the home) in a manner which promotes the functional independence of the individual; and

"(C) include training in—

"(i) personal care services designed to assist an individual in the activities of daily living such as bathing, exercising, personal grooming, and getting in and out of bed; and

"(ii) household care services such as maintaining a safe living environment, light housekeeping, and assisting in providing good nutrition (by the purchasing and preparation of food).

"(3) In making grants and entering into contracts under this subsection, special consideration shall be given to entities which establish or will establish programs to provide training for persons fifty years of age and older who wish to become homemaker health aides.

"(4) Applications for grants and contracts under this subsection shall be in such form and contain such information as the Secretary shall prescribe.

"(5) Payments under grants and contracts under this subsection may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of such grants and contracts.

"(6) There are authorized to be appropriated for grants and contracts under this subsection \$2,000,000 for each of the fiscal years ending September 30, 1983, and September 30, 1984.

"(c) The Secretary shall report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives on or before January 1, 1984, with respect to—

"(1) the impact of grants made and contracts entered into under subsections (a) and (b) (as such subsections were in effect prior to October 1, 1981);

"(2) the need to continue grants and loans under subsections (a) and (b) (as such subsections are in effect on the day after the date of enactment of the Community Home Health Services Act of 1982); and

"(3) the extent to which standards have been applied to the training of personnel who provide home health services."

(b) The Secretary shall report the results of studies currently evaluating home and community based services, and any recommendations for legislative action which might improve the provision of such services, to the Congress prior to January 1, 1985.

(c) The Secretary of Health and Human Services shall compile and analyze the results of significant studies carried out by any public or private entity, group, or individual, relating to current and alternative reimbursement methodologies for home health services. The Secretary shall make recommendations with respect to such reimbursement methodologies as they might be applied in health care programs funded in

whole or in part by Federal funds, and report such recommendations to the Congress within 180 days after the date of the enactment of this Act.

(d) The Secretary of Health and Human Services shall undertake a thorough investigation of—

(1) the methods available to stem fraud and abuse in the medicare and medicaid home health programs; and

(2) the extent to which such methods are applied in stemming such fraud and abuse. The Secretary shall report the results of the investigation to the Congress within 18 months after the date of the enactment of this Act.

(e)(1) The Secretary of Health and Human Services shall develop and carry out demonstration projects commencing no later than January 1, 1983, to test—

(A) methods for identifying patients at risk of institutionalization who could be treated more cost-effectively with home health services; and

(B) alternative reimbursement methodologies for home health agencies in order to determine the most cost-effective and efficient way of providing home health services.

(2) Methods for identifying patients at risk of institutionalization to be tested by the Secretary under paragraph (1)(A) may include, but not be limited to, the identification of hospitalized medicare patients who are candidates for early discharge due to availability of home health services and individuals in the community who could avoid institutionalization with the availability of home health services.

(3) Reimbursement methodologies to be tested by the Secretary under paragraph (1)(B) may include but not be limited to fee schedules, prospective reimbursement, and capitation payments.

(4) The Secretary shall report to Congress his findings with regard to the demonstrations carried out under paragraph (1) no later than January 1, 1984.

ANALYSIS OF THYROID CANCER; ACTIONS BY SECRETARY

SEC. 6. (a) In carrying out section 301 of the Public Health Service Act, the Secretary of Health and Human Services shall—

(1) conduct scientific research and prepare analyses necessary to develop valid and credible assessments of the risks of thyroid cancer that are associated with thyroid doses of Iodine 131;

(2) conduct scientific research and prepare analyses necessary to develop valid and credible methods to estimate the thyroid doses of Iodine 131 that are received by individuals from nuclear bomb fallout;

(3) conduct scientific research and prepare analyses necessary to develop valid and credible assessments of the exposure to Iodine 131 that the American people received from the Nevada atmospheric nuclear bomb tests; and

(4) prepare and transmit to the Congress within one year after the date of enactment of this Act a report with respect to the activities conducted in carrying out paragraphs (1), (2), and (3).

(b)(1) Within one year after the date of enactment of this Act, the Secretary of Health and Human Services shall devise and publish radioepidemiological tables that estimate the likelihood that persons who have or have had any of the radiation related cancers and who have received specific doses prior to the onset of such disease developed cancer as a result of these doses. These tables shall show a probability of causation of developing each radiation related

cancer associated with receipt of doses ranging from 1 millirad to 1,000 rads in terms of sex, age at time of exposure, time from exposure to the onset of the cancer in question, and such other categories as the Secretary, after consulting with appropriate scientific experts, determines to be relevant. Each probability of causation shall be calculated and displayed as a single percentage figure.

(2) At the time the Secretary of Health and Human Services publishes the tables pursuant to paragraph (1), such Secretary shall also publish—

(A) for the tables of each radiation related cancer, an evaluation which will assess the credibility, validity, and degree of certainty associated with such tables; and

(B) a compilation of the formulas that yielded the probabilities of causation listed in such tables. Such formulas shall be published in such a manner and together with information necessary to determine the probability of causation of any individual who has or has had a radiation related cancer and has received any given dose.

(3) The tables specified in paragraph (1) and the formulas specified in paragraph (2) shall be devised from the best available data that are most applicable to the United States, and shall be devised in accordance with the best available scientific procedures and expertise. The Secretary of Health and Human Services shall update these tables and formulas every four years, or whenever he deems it necessary to insure that they continue to represent the best available scientific data and expertise.

TECHNICAL AMENDMENTS TO THE PUBLIC SERVICE ACT

SEC. 7. (a)(1) Section 338B(e) of the Public Health Service Act (42 U.S.C. 254m(e)) is amended by inserting before the period the following: "or under section 225 as in effect on September 30, 1977".

(2) Section 337(a) of such Act (42 U.S.C. 254j(a)) is amended by striking out "carrying out this subpart" and inserting in lieu thereof "carrying out this subpart (other than section 338G)".

(3) Section 338D(b) of such Act (42 U.S.C. 254O(b)) is amended by striking out "section 338F(b)" and inserting in lieu thereof "section 338F(d)".

(4) Section 338E(d)(1) of such Act (42 U.S.C. 254p(d)(1)) is amended by striking out "section 338D(c)" and inserting in lieu thereof "section 338D(b)".

(5) Section 1536 of such Act (42 U.S.C. 300m-5) (as amended by section 935 of the Omnibus Budget Reconciliation Act of 1981) is amended by striking out "this title and" and inserting in lieu thereof "this title and—".

(6) The second sentence of section 1904(a)(1)(F) of such Act (42 U.S.C. 300w-3(a)(1)(F)) is amended by striking out "equipment for the systems" and inserting in lieu thereof "equipment for the systems (other than systems with respect to which grants were made as prescribed by section 1905(c)(2))".

(7) Effective October 1, 1982, section 1912(b) of such Act (42 U.S.C. 300x-1(b)) is amended to read as follows:

"(b)(1) From the remainder of the amount appropriated under section 1911 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such remainder for that fiscal year as the amounts—

"(A) which would have been provided by the Secretary to the State and entities in the State under section 301 of this Act for mental health services demonstrations and

under the Community Mental Health Centers Act and the Mental Health Systems Act for mental health services for fiscal year 1981 if the Secretary had obligated all the funds for such purposes available for such Acts under Public Law 96-536, and

"(B) provided by the Secretary to the State and entities in the State under the laws referred to in subparagraphs (D) and (E) of paragraph (2) for fiscal year 1980,

bore to the total amount appropriated for mental health services demonstrations and mental health services for fiscal year 1981 under Public Law 96-536 for section 301 of this Act, the Community Mental Health Centers Act and the Mental Health Systems Act and the total amount appropriated for fiscal year 1980 for the provisions of law referred to in subparagraphs (D) and (E) of paragraph (2).

"(2) The provisions of law referred to in paragraph (1) are the following provisions of law as in effect on the day before the date of the enactment of the Omnibus Budget Reconciliation Act of 1981:

"(A) The Community Mental Health Centers Act.

"(B) The Mental Health Systems Act.

"(C) Section 301 of this Act.

"(D) Sections 301 and 312 of the Comprehensive Alcohol Abuse and Alcoholism, Prevention, Treatment, and Rehabilitation Act of 1970.

"(E) Sections 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act.

"(3) For purposes of paragraph (1), the total amount appropriated under Public Law 96-536 for mental health services demonstrations under section 301 of this Act shall be deemed not to exceed \$20,000,000; and if such total amount did exceed \$20,000,000, the amount that would have been provided to each State and entities in each State shall be ratably reduced for purposes of paragraph (1)(A) to conform to the limit prescribed by this paragraph.

"(4) To the extent that all the funds appropriated under section 1911 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 1915 for the fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 1916(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph."

(8) Section 1915(c)(5) of such Act (42 U.S.C. 300x-4(c)(5)) is amended (1) by inserting "procedures for" before "procedural", and (2) by striking out "review procedures" and inserting in lieu thereof "review".

(9)(A) Section 1915(c)(6)(A)(i) of such Act (42 U.S.C. 300x-4(c)(6)(A)(i)) is amended—

(A) by striking out "for mental health services";

(B) by inserting "for mental health services" after "fiscal year 1981";

(C) by inserting "for mental health services demonstrations under section 301 of this Act" before "if the Secretary"; and

(D) by striking out "such Acts" each place it occurs and inserting in lieu thereof "such provisions of law".

(2) Section 1915(c)(6)(A)(ii) of such Act (42 U.S.C. 300x-4(c)(6)(A)(ii)) is amended—

(A) by striking out "for mental health services";

(B) by inserting "for mental health services" after "fiscal year 1981";

(C) by inserting "and for mental health services demonstrations under section 301 of this Act" before "if the Secretary"; and

(D) by striking out "such Acts" and inserting in lieu thereof "such provisions of law".

(b) Section 831(b) of such Act (42 U.S.C. 297-1(b)) is amended by inserting before the period a comma and the following: "\$400,000 for the fiscal year ending September 30, 1983, and \$800,000 for the fiscal year ending September 30, 1984".

(c)(1)(A) Section 737(2) of such Act (42 U.S.C. 2943(2)) is amended by inserting "in a State" after "means a school".

(B) Section 781(a)(2) of such Act (42 U.S.C. 295g-1(a)(2)) is amended by striking out "under area health education center programs".

(C) Section 791A(b)(3)(A) of such Act (42 U.S.C. 295h-1a(b)(3)(A)) is amended by striking out "postbaccalaureate" and inserting in lieu thereof "baccalaureate".

(2) Section 791(c)(2)(A) of such Act (42 U.S.C. 295h(c)(2)(A)) is amended to read as follows:

"(A) such application contains assurances satisfactory to the Secretary that in the school year (as defined in regulations of the Secretary) beginning in the fiscal year for which the applicant receives a grant under subsection (a) that—

"(i) at least 25 individuals will complete the graduate educational programs of the entity for which such application is submitted; and

(ii) such entity shall expend or obligate at least \$100,000 in funds from non-Federal sources to conduct such programs; and".

(3)(A) Section 709(d) of such Act (42 U.S.C. 2921(d)) is amended to read as follows:

"(d) Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title."

(B) Title VIII of such Act is amended by adding at the end thereof the following:

"TECHNICAL ASSISTANCE

"SEC. 857. Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title."

(4) Section 1602(f)(2) of such Act (42 U.S.C. 300g-2(f)(2)) is amended by inserting after "including" the following: "selling real property pledged as security for such a loan or loan guarantee and".

(5) Section 306(l)(2) of such Act (42 U.S.C. 242k(l)(2)) is amended by striking out subparagraph (D) and redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(6) Section 308(d) of such Act (42 U.S.C. 242m(d)) is amended (1) by inserting ", if an establishment or person supplying the information or described in it is identifiable," after "No information", and (2) by striking out "authorized by guidelines in effect under section 306(l)(2) or under regulations of the Secretary" and inserting in lieu thereof "such establishment or person has consented (as determined under regulations of the Secretary) to its use for such other purpose".

(7) Section 330(d)(2) of such Act (42 U.S.C. 254c(d)(2)) is amended by inserting before

"and the costs" the following: ", the costs of repaying loans made by the Farmers Home Administration for buildings,".

(8) Section 207(a)(1) of such Act (42 U.S.C. 209(a)(1)) is amended by inserting "psychology," after "pharmacy,".

(9) Section 302 of the Health Planning and Resources Development Amendments of 1979 (Public Law 96-79) is repealed.

(d)(1) The paragraph beginning with "Service and supply fund:" under the heading "PUBLIC HEALTH SERVICE" in the Federal Security Agency Appropriation Act, 1946 (42 U.S.C. 231) is amended by inserting ", or in advance," after "stock furnished".

(2)(A) The matter in section 1706(a) (42 U.S.C. 300u-5(a)) of the Public Health Service Act preceding paragraph (1) is amended by striking out "Health Information, Health Promotion and Physical Fitness and Sports Medicine" and inserting instead "Health Promotion".

(B) The section heading for section 1706 of such Act (42 U.S.C. 300u-5) is amended to read as follows:

"OFFICE OF HEALTH PROMOTION".

(e) The first sentence of section 311(c)(2) of such Act (42 U.S.C. 243(c)(2)) is amended by striking out "forty-five days" and inserting instead "six months".

(f) Section 1932 of such Act is amended by—

(1) inserting "(a)" after "1932.", and

(2) adding a new subsection (b) as follows: "(b) The Secretary shall promulgate separate regulations governing the administration of this part. Such regulations shall take into account the distinctive features of the grant program authorized under this part."

(g) From the funds appropriated under section 419B of such Act or under any other applicable provision of law, the Secretary of Health and Human Services shall provide for the development and support of not less than ten comprehensive centers for sickle cell disease.

SEC. 8. Of the funds available to the Interagency Task Force on Acid Deposition, pursuant to the Energy Security Act of 1980, there shall be made available \$800,000 for the purposes of studying the effects of acid deposition on the Quabbin Reservoir in Massachusetts.

SEC. 9. Title 35, United States Code is amended by adding the following new section:

"§ 155. Patent term extension

"Notwithstanding the provisions of section 154, the term of a patent which encompasses within its scope a composition of matter or a process for using such composition shall be extended if such composition or process has been subjected to a regulatory review by the Federal Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act leading to the publication of regulation permitting the interstate distribution and sale of such composition or process and for which there has thereafter been a stay of regulation of approval imposed pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act which stay was in effect on January 1, 1981, by a length of time to be measured from the date such stay of regulation of approval was imposed until such proceedings are finally resolved and commercial marketing permitted. The patentee, his heirs, successors or assigns shall notify the Commissioner of Patents and Trademarks within ninety days of the date of enactment of this section or the date the stay of regulation of approval has been removed, whichever is later, of the

number of the patent to be extended and the date the stay was imposed and the date commercial marketing was permitted. On receipt of such notice, the Commissioner shall promptly issue to the owner of record of the patent a certificate of extension, under seal, stating the fact and length of the extension and identifying the composition of matter or process for using such composition to which such extension is applicable. Such certificate shall be recorded in the official file of each patent extended and such certificate shall be considered as part of the original patent, and an appropriate notice shall be published in the Official Gazette of the Patent and Trademark Office."

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

SHORT TITLE; FINDINGS

SECTION 1. (a) This Act may be cited as the "Orphan Drug Act".

(b) The Congress finds that—

(1) there are many diseases and conditions, such as Huntington's disease, myoclonus, ALS (Lou Gehrig's disease), Tourette syndrome, and muscular dystrophy which affect such small numbers of individuals residing in the United States that the diseases and conditions are considered rare in the United States;

(2) adequate drugs for many of such diseases and conditions have not been developed;

(3) drugs for these diseases and conditions are commonly referred to as "orphan drugs";

(4) because so few individuals are affected by any one rare disease or condition, a pharmaceutical company which develops an orphan drug may reasonably expect the drug to generate relatively small sales in comparison to the cost of developing the drug and consequently to incur a financial loss;

(5) there is reason to believe that some promising orphan drugs will not be developed unless changes are made in the applicable Federal laws to reduce the costs of developing such drugs and to provide financial incentives to develop such drugs; and

(6) it is in the public interest to provide such changes and incentives for the development of orphan drugs.

AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

SEC. 2. (a) Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following:

"Subchapter B—Drugs for Rare Diseases or Conditions

"RECOMMENDATIONS FOR INVESTIGATIONS OF DRUGS FOR RARE DISEASES OR CONDITIONS

"SEC. 525. (a) The sponsor of a drug for a disease or condition which is rare in the States may request the Secretary to provide written recommendations for the nonclinical and clinical investigations which must be conducted with the drug before—

"(1) it may be approved for such disease or condition under section 505, or

"(2) if the drug is a biological product, before it may be licensed for such disease or condition under section 351 of the Public Health Service Act.

If the Secretary has reason to believe that a drug for which a request is made under this section is a drug for a disease or condition which is rare in the States, the Secretary shall provide the person making the request written recommendations for the nonclinical

cal and clinical investigations which the Secretary believes, on the basis of information available to the Secretary at the time of the request under this section, would be necessary for approval of such drug for such disease or condition under section 505 or licensing under section 351 of the Public Health Service Act for such disease or condition.

"(b) The Secretary shall by regulation promulgate procedures for the implementation of subsection (a).

"DESIGNATION OF DRUGS FOR RARE DISEASES OR CONDITIONS

"Sec. 526. (a)(1) The manufacturer or the sponsor of a drug may request the Secretary to designate the drug as a drug for a rare disease or condition. If the Secretary finds that a drug for which a request is submitted under this subsection is being or will be investigated for a rare disease or condition and—

"(A) if an application for such drug is approved under section 505, or

"(B) if the drug is a biological product, a license is issued under section 351 of the Public Health Service Act.

the approval or license would be for use for such disease or condition, the Secretary shall designate the drug as a drug for such disease or condition. A request for a designation of a drug under this subsection shall contain the consent of the applicant to notice being given by the Secretary under subsection (b) respecting the designation of the drug.

"(2) For purposes of paragraph (1), the term 'rare disease or condition' means any disease or condition which occurs so infrequently in the United States that there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drug. Determinations under the preceding sentence with respect to any drug shall be made on the basis of the facts and circumstances as of the date the request for designation of the drug under this subsection is made.

"(b) Notice respecting the designation of a drug under subsection (a) shall be made available to the public.

"(c) The Secretary shall by regulation promulgate procedures for the implementation of subsection (a).

"PROTECTION FOR UNPATENTED DRUGS FOR RARE DISEASES OR CONDITIONS

"Sec. 527. (a) Except as provided in subsection (b), if the Secretary—

"(1) approves an application filed pursuant to section 505(b), or

"(2) issues a license under section 351 of the Public Health Service Act,

for a drug designated under section 526 for a rare disease or condition and for which a United States Letter of Patent may not be issued, the Secretary may not approve another application under section 505(b) or issue another license under section 351 of the Public Health Service Act for such drug for such disease or condition for a person who is not the holder of such approved application or of such license until the expiration of seven years from the date of the approval of the approved application or the issuance of the license. Section 505(c)(2) does not apply to the refusal to approve an application under the preceding sentence.

"(b) If an application filed pursuant to section 505(b) is approved for a drug designated under section 526 for a rare disease or condition or a license is issued under section

351 of the Public Health Service Act for such a drug and if a United States Letter of Patent may not be issued for the drug, the Secretary may, during the seven-year period beginning on the date of the application approval or of the issuance of the license, approve another application under section 505(b), or, if the drug is a biological product, issue a license under section 351 of the Public Health Service Act, for such drug for such disease or condition for a person who is not the holder of such approved application or of such license if—

"(1) the Secretary finds, after providing the holder notice and opportunity for the submission of views, that in such period the holder of the approved application or of the license cannot assure the availability of sufficient quantities of the drug to meet the needs of persons with the disease or condition for which the drug was designated; or

"(2) such holder provides the Secretary in writing the consent of such holder for the approval of other applications or the issuance of other licenses before the expiration of such seven-year period.

"OPEN PROTOCOLS FOR INVESTIGATIONS OF DRUGS FOR RARE DISEASES OR CONDITIONS

"Sec. 528. If a drug is designated under section 526 as a drug for a rare disease or condition and if notice of a claimed exemption under section 505(i) or regulations issued thereunder is filed for such drug, the Secretary shall encourage the sponsor of such drug to design protocols for clinical investigations of the drug which may be conducted under the exemption to permit the addition to the investigations of persons with the disease or condition who need the drug to treat the disease or condition and who cannot be satisfactorily treated by available alternative drugs."

(b) Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting before section 501 the following:

"Subchapter A—Drugs and Devices."

ORPHAN PRODUCTS BOARD

SEC. 3. Title II of the Public Health Service Act is amended by adding at the end the following:

"ORPHAN PRODUCTS BOARD

SEC. 227. (a) There is established in the Department of Health and Human Services a board for the development of drugs (including biologics) and devices (including diagnostic products) for rare diseases or conditions to be known as the Orphan Products Board. The Board shall be comprised of the Assistant Secretary for Health of the Department of Health and Human Services and representatives, selected by the Secretary of the Food and Drug Administration, the National Institutes of Health, the Centers for Disease Control, and any other Federal department or agency which the Secretary determines has activities relating to drugs and devices for rare diseases or conditions. The Assistant Secretary for Health shall chair the Board.

"(b) The function of the Board shall be to promote the development of drugs and devices for rare diseases or conditions and the coordination among Federal, other public, and private agencies in carrying out their respective functions relating to the development of such articles for such diseases or conditions.

"(c) In the case of drugs for rare diseases or conditions the Board shall—

"(1) evaluate—

"(A) the effect of subchapter B of the Federal Food, Drug, and Cosmetic Act on the development of such drugs, and

"(B) the implementation of such subchapter;

"(2) evaluate the activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration for the development of drugs for such diseases or conditions,

"(3) assure appropriate coordination among the Food and Drug Administration, the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, and the Centers for Disease Control in the carrying out of their respective functions relating to the development of drugs for such diseases or conditions to assure that the activities of each agency are complementary,

"(4) assure appropriate coordination among all interested Federal agencies, manufacturers, and organizations representing patients, in their activities relating to such drugs,

"(5) with the consent of the sponsor of a drug for a rare disease or condition exempt under section 505(i) of the Federal Food, Drug, and Cosmetic Act or regulations issued under such section, inform physicians and the public respecting the availability of such drug for such disease or condition and inform physicians and the public respecting the availability of drugs approved under section 505(c) of such Act or licensed under section 351 of this Act for rare diseases or conditions,

"(6) seek business entities and others to undertake the sponsorship of drugs for rare diseases or conditions, seek investigators to facilitate the development of such drugs, and seek business entities to participate in the distribution of such drugs, and

"(7) recognize the efforts of public and private entities and individuals in seeking the development of drugs for rare diseases or conditions and in developing such drugs.

"(d) The Board shall consult with interested persons respecting the activities of the Board under this section and as part of such consultation shall provide the opportunity for the submission of oral views.

"(e) The Board shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an annual report—

"(1) identifying the drugs which have been designated under section 526 of the Federal Food, Drug, and Cosmetic Act for a rare disease or condition,

"(2) describing the activities of the Board, and

"(3) containing the results of the evaluations carried out by the Board.

The Director of the National Institutes of Health and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration shall submit to the Board for inclusion in the annual report a report on the rare disease and condition research activities of the Institutes of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration; the Secretary of the Treasury shall submit to the Board for inclusion in the annual report a report on the use of the credit against tax provided by section 44H of the Internal Revenue Code of 1954; and the Secretary of Health and Human Services shall submit to the Board for inclusion in the annual report a report on the program of assistance under section 5 of the Orphan Drug Act for the development of drugs for rare diseases and conditions. Each annual

report shall be submitted by June 1 of each year for the preceding calendar year."

TAX CREDIT FOR TESTING EXPENSES FOR DRUGS FOR RARE DISEASES OR CONDITIONS

SEC. 4. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting after section 44G the following new section:

"SEC. 44H. CLINICAL TESTING EXPENSES FOR CERTAIN DRUGS FOR RARE DISEASES OR CONDITIONS.

"(a) **GENERAL RULE.**—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the qualified clinical testing expenses for the taxable year.

"(b) **QUALIFIED CLINICAL TESTING EXPENSES.**—For purposes of this section—

"(1) **QUALIFIED CLINICAL TESTING EXPENSES.**—

"(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the term 'qualified clinical testing expenses' means the amounts which are paid or incurred by the taxpayer during the taxable year which would be described in subsection (b) of section 44F if such subsection were applied with the modifications set forth in subparagraph (B).

"(B) **MODIFICATIONS.**—For purposes of subparagraph (A), subsection (b) of section 44F shall be applied—

"(i) by substituting 'clinical testing' for 'qualified research' each place it appears in paragraphs (2) and (3) of such subsection, and

"(ii) by substituting '100 percent' for '65 percent' in paragraph (3)(A) of such subsection.

"(C) **EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.**—The term 'qualified clinical testing expenses' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(D) **SPECIAL RULE.**—For purposes of this paragraph, section 44F shall be deemed to remain in effect for periods after December 31, 1985.

"(2) **CLINICAL TESTING.**—

"(A) **IN GENERAL.**—The term 'clinical testing' means any human clinical testing—

"(i) which is carried out under an exemption for a drug being tested for a rare disease or condition under section 505(i) of the Federal Food, Drug, and Cosmetic Act (or regulations issued under such section).

"(ii) which occurs—

"(I) after the date such drug is designated under section 526 of such Act, and

"(II) before the date on which an application with respect to such drug is approved under section 505(b) of such Act, and

"(iii) which is conducted by or on behalf of the taxpayer to whom the designation under such section 526 applies.

"(B) **TESTING MUST BE RELATED TO USE FOR RARE DISEASE OR CONDITION.**—Human clinical testing shall be taken into account under subparagraph (A) only to the extent such testing is related to the use of a drug for the rare disease or condition for which it was designated under section 526 of the Federal Food, Drug, and Cosmetic Act.

"(c) **COORDINATION WITH CREDIT FOR INCREASING RESEARCH EXPENDITURES.**—

"(1) **IN GENERAL.**—Except as provided in paragraph (2), any qualified clinical testing expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 44F for such taxable year.

"(2) **EXPENSES INCLUDED IN DETERMINING BASE PERIOD RESEARCH EXPENSES.**—Any qualified clinical testing expenses for any taxable year which are qualified research expenses (within the meaning of section 44F(b)) shall be taken into account in determining base period research expenses for purposes of applying section 44F to subsequent taxable years.

"(d) **DEFINITION AND SPECIAL RULES.**—

"(1) **RARE DISEASE OR CONDITION.**—For purposes of this section, the term 'rare disease or condition' means any disease or condition which occurs so infrequently in the United States that there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drug. Determinations under the preceding sentence with respect to any drug shall be made on the basis of the facts and circumstances as of the date such drug is designated under section 526 of the Federal Food, Drug, and Cosmetic Act.

"(2) **LIMITATION BASED ON AMOUNT OF TAX.**—The credit allowed by this section for any taxable year shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).

"(3) **SPECIAL LIMITATIONS ON FOREIGN TESTING.**—

"(A) **IN GENERAL.**—No credit shall be allowed under this section with respect to any clinical testing conducted outside the United States unless—

"(i) such testing is conducted outside the United States because there is an insufficient testing population in the United States, and

"(ii) such testing is conducted by a United States person or by any other person who is not related to the taxpayer to whom the designation under section 526 of the Federal Food, Drug, and Cosmetic Act applies.

"(B) **SPECIAL LIMITATION FOR CORPORATIONS TO WHICH SECTION 934(B) OR 936 APPLIES.**—No credit shall be allowed under this section with respect to any clinical testing conducted by a corporation to which section 934(b) applies or to which an election under section 936 applies.

"(4) **CERTAIN RULES MADE APPLICABLE.**—Rules similar to the rules of paragraphs (1) and (2) of section 44F(f) shall apply for purposes of this section.

"(5) **ELECTION.**—This section shall apply to any taxpayer for any taxable year only if such taxpayer elects (at such time and in such manner as the Secretary may by regulations prescribe) to have this section apply for such taxable year.

"(e) **TERMINATION.**—This section shall not apply to any amount paid or incurred after December 31, 1987."

(b)(1) Section 280C of such Code (relating to denial of deduction for portion of wages for which credit is claimed under section 40 or 44B) is amended by adding at the end thereof the following new subsection:

"(c) **CREDIT FOR QUALIFIED CLINICAL TESTING EXPENSES FOR CERTAIN DRUGS.**—

"(1) **IN GENERAL.**—No deduction shall be allowed for that portion of the qualified clinical testing expenses (as defined in section

44H(b)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit allowable for the taxable year under section 44H (determined without regard to subsection (d)(2) thereof).

"(2) **SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.**—If—

(A) the amount of the credit allowable for the taxable year under section 44H (determined without regard to subsection (d)(2) thereof), exceeds

(B) the amount allowable as a deduction for the taxable year for qualified clinical testing expenses (determined without regard to paragraph (1)),

the amount chargeable to capital account for the taxable year for such expenses shall be reduced by the amount of such excess.

"(3) **CONTROLLED GROUPS.**—In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 44F(f)(5)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 44F(f)(1)(B)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subparagraphs (A) and (B) of section 44F(f)(1).

(2)(A) The section heading of section 280C of such Code is amended to read as follows:

"SEC. 280C. CERTAIN EXPENSES FOR WHICH CREDITS ARE ALLOWABLE."

(B) The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 280C and inserting in lieu thereof the following:

"Sec. 280C. Certain expenses for which credits are allowable."

(c)(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44G the following new item:

"Sec. 44H. Clinical testing expenses for certain drugs for rare diseases or conditions."

(2) Subsection (b) of section 6096 of such Code is amended by striking out "and 44G" and inserting in lieu thereof "44G, and 44H".

(d) The amendments made by this section shall apply to amounts paid or incurred after December 31, 1982, in taxable years ending after such date.

GRANTS AND CONTRACTS FOR DEVELOPMENT OF DRUGS FOR RARE DISEASES AND CONDITIONS

SEC. 5. (a) The Secretary may make grants to and enter into contracts with public and private entities and individuals to assist in defraying the costs of qualified clinical testing expenses incurred in connection with the development of drugs for rare diseases and conditions.

(1) The term "qualified clinical testing" means any human clinical testing—

(A) which is carried out under an exemption for a drug for a rare disease or condition under section 505(i) of the Federal Food, Drug, and Cosmetic Act (or regulations issued under such section),

(B) which occurs—

(i) after the date such drug is designated under section 526 of such Act, and

(ii) before the date on which an application with respect to such drug is submitted under section 505(b) of such Act.

(2) The term "rare disease or condition" means any disease or condition which occurs so infrequently in the United States that

there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drug. Determinations under the preceding sentence with respect to any drug shall be made on the basis of the facts and circumstances as of the date the request for designation of the drug under this subsection is made.

(c) For grants and contracts under subsection (a) there are authorized to be appropriated \$4,000,000 for fiscal year 1983 and for each of the next two fiscal years.

HOME HEALTH SERVICES

SEC. 6. (a) Part D of title III of the Public Health Service Act is amended by inserting after subpart II the following new subpart:

"Subpart III—Home Health Services

"HOME HEALTH SERVICES

"Sec. 339. (a)(1) For the purposes of encouraging the establishment and initial operation of home health programs to provide home health services in areas in which such services are inadequate or not readily accessible, the Secretary may, in accordance with the provisions of this section, make grants to public and nonprofit private entities and loans to proprietary entities to meet the initial costs of establishing and operating such home health programs. Such grants and loans may include funds to provide training for paraprofessionals (including homemaker home health aides) to provide home health services.

"(2) In making grants and loans under this subsection, the Secretary shall—

"(A) consider the relative needs of the several States for home health services;

"(B) give preference to areas in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or disabled; and

"(C) give special consideration to areas with inadequate means of transportation to obtain necessary health services.

"(3)(A) No loan may be made to a proprietary entity under this section unless the application of such entity for such loan contains assurances satisfactory to the Secretary that—

"(i) at the time the application is made the entity is fiscally sound;

"(ii) the entity is unable to secure a loan for the project for which the application is submitted from non-Federal lenders at the rate of interest prevailing in the area in which the entity is located; and

"(iii) during the period of the loan, such entity will remain fiscally sound.

"(B) Loans under this section shall be made at an interest rate comparable to the rate of interest prevailing on the date the loan is made with respect to the marketable obligations of the United States of comparable maturities, adjusted to provide for administrative costs.

"(4) Applications for grants and loans under this subsection shall be in such form and contain such information as the Secretary shall prescribe.

"(5) There are authorized to be appropriated for grants and loans under this subsection \$5,000,000 for each of the fiscal years ending on September 30, 1983, and September 30, 1984.

"(b)(1) The Secretary may make grants to and enter into contracts with public and private entities to assist them in developing appropriate training programs for paraprofessionals (including homemaker home health aides) to provide home health services.

"(2) Any program established with a grant or contract under this subsection to train homemaker home health aides shall—

"(A) extend for at least forty hours, and consist of classroom instruction and at least twenty hours (in the aggregate) of supervised clinical instruction directed toward preparing students to deliver home health services;

"(B) be carried out under appropriate professional supervision and be designed to train students to maintain or enhance the personal care of an individual in his home in a manner which promotes the functional independence of the individual; and

"(C) include training in—

"(i) personal care services designed to assist an individual in the activities of daily living such as bathing, exercising, personal grooming, and getting in and out of bed; and

"(ii) household care services such as maintaining a safe living environment, light housekeeping, and assisting in providing good nutrition (by the purchasing and preparation of food).

"(3) In making grants and entering into contracts under this subsection, special consideration shall be given to entities which establish or will establish programs to provide training for persons fifty years of age and older who wish to become paraprofessionals (including homemaker home health aides) to provide home health services.

"(4) Applications for grants and contracts under this subsection shall be in such form and contain such information as the Secretary shall prescribe.

"(5) There are authorized to be appropriated for grants and contracts under this subsection \$2,000,000 for each of the fiscal years ending September 30, 1983, and September 30, 1984.

"(c) The Secretary shall report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives on or before January 1, 1984, with respect to—

"(1) the impact of grants made and contracts entered into under subsections (a) and (b) (as such subsections were in effect prior to October 1, 1981);

"(2) the need to continue grants and loans under subsections (a) and (b) (as such subsections are in effect on the day after the date of enactment of the Orphan Drug Act); and

"(3) the extent to which standards have been applied to the training of personnel who provide home health services.

"(d) For purposes of this section, the term 'home health services' has the meaning prescribed for the term by section 1861(m) of the Social Security Act."

"(b) The Secretary shall report the results of studies currently evaluating home and community based health services, and any recommendations for legislative action which might improve the provision of such services, to the Congress prior to January 1, 1985.

"(c) The Secretary of Health and Human Services shall compile and analyze the results of significant studies carried out by any public or private entity, group, or individual, relating to current and alternative reimbursement methodologies for home health services. The Secretary shall make recommendations with respect to such reimbursement methodologies as they might be applied in health care programs funded in whole or in part by Federal funds, and report such recommendations to the Congress within 180 days after the date of the enactment of this Act.

"(d) The Secretary of Health and Human Services, acting through the Inspector General of the Department of Health and Human Services, shall undertake a thorough investigation of—

(1) the methods available to stem fraud and abuse in the provision of home health services under medicare and medicaid; and

(2) the extent to which such methods are applied in stemming such fraud and abuse.

The Secretary shall report the results of the investigation to the Congress within 18 months after the date of the enactment of this Act.

(e)(1) The Secretary of Health and Human Services shall develop and carry out demonstration projects commencing no later than January 1, 1984, to test—

(A) methods for identifying patients at risk of institutionalization who could be treated more cost-effectively with home health services and other non-institutional health services; and

(B) alternative reimbursement methodologies for home health agencies in order to determine the most cost-effective and efficient way of providing home health services.

(2) Methods for identifying patients at risk of institutionalization to be tested by the Secretary under paragraph (1)(A) may include, but not be limited to, the identification of hospitalized medicare patients who are candidates for early discharge due to availability of home health services and individuals in the community who could avoid institutionalization with the availability of home health services.

(3) Reimbursement methodologies to be tested by the Secretary under paragraph (1)(B) may include but not be limited to fee schedules, prospective reimbursement, and capitation payments.

(4) The Secretary shall report to Congress his findings with regard to the demonstrations carried out under paragraph (1) no later than January 1, 1985.

(f) For purposes of this section, the term "home health services" has the meaning prescribed for the term by section 1861(m) of the Social Security Act.

ANALYSIS OF THYROID CANCER; ACTIONS BY SECRETARY

SEC. 7. (a) In carrying out section 301 of the Public Health Service Act, the Secretary of Health and Human Services shall—

(1) conduct scientific research and prepare analyses necessary to develop valid and credible assessments of the risks of thyroid cancer that are associated with thyroid doses of Iodine 131;

(2) conduct scientific research and prepare analyses necessary to develop valid and credible methods to estimate the thyroid doses of Iodine 131 that are received by individuals from nuclear bomb fallout;

(3) conduct scientific research and prepare analyses necessary to develop valid and credible assessments of the exposure to Iodine 131 that the American people received from the Nevada atmospheric nuclear bomb tests; and

(4) prepare and transmit to the Congress within one year after the date of enactment of this Act a report with respect to the activities conducted in carrying out paragraphs (1), (2), and (3).

(b)(1) Within one year after the date of enactment of this Act, the Secretary of Health and Human Services shall devise and publish radioepidemiological tables that estimate the likelihood that persons who have or have had any of the radiation related cancers and who have received specific doses

prior to the onset of such disease developed cancer as a result of these doses. These tables shall show a probability of causation of developing each radiation related cancer associated with receipt of doses ranging from 1 millirad to 1,000 rads in terms of sex, age at time of exposure, time from exposure to the onset of the cancer in question, and such other categories as the Secretary, after consulting with appropriate scientific experts, determines to be relevant. Each probability of causation shall be calculated and displayed as a single percentage figure.

(2) At the time the Secretary of Health and Human Services publishes the tables pursuant to paragraph (1), such Secretary shall also publish—

(A) for the tables of each radiation related cancer, an evaluation which will assess the credibility, validity, and degree of certainty associated with such tables; and

(B) A compilation of the formulas that yielded the probabilities of causation listed in such tables. Such formulas shall be published in such a manner and together with information necessary to determine the probability of causation of any individual who has or has had a radiation related cancer and has received any given dose.

(3) The tables specified in paragraph (1) and the formulas specified in paragraph (2) shall be devised from the best available data that are most applicable to the United States, and shall be devised in accordance with the best available scientific procedures and expertise. The Secretary of Health and Human Services shall update these tables and formulas every four years, or whenever he deems it necessary to insure that they continue to represent the best available scientific data and expertise.

TECHNICAL AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 8.(a) Section 207(a)(1) of such Act (42 U.S.C. 209(a)(1)) is amended by inserting "psychology," after "pharmacy."

(b) Section 306(1)(2) of such Act (42 U.S.C. 242k(1)(2)) is amended by striking out subparagraph (D) and redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(c) Section 308(d) of such Act (42 U.S.C. 242m(d)) is amended (1) by inserting ", if an establishment or person supplying the information or described in it is identifiable," after "No information," and (2) by striking out "authorized by guidelines in effect under section 306(1)(2) or under regulations of the Secretary" and inserting in lieu thereof "such establishment or person has consented (as determined under regulations of the Secretary to its use for such other purpose)".

(d) The first sentence of section 311(c)(2) of such Act (42 U.S.C. 243(c)(2)) is amended by striking out "forty-five days" and inserting instead "six months".

(e) Section 330(d)(2) of such Act (42 U.S.C. 254c(d)(2)) is amended by inserting before "and the costs" the following: ", the costs of repaying loans made by the Farmers Home Administration for buildings,".

(f) Section 337(a) of such Act (42 U.S.C. 254j(a)) is amended by striking out "carrying out this subpart" and inserting in lieu thereof "carrying out this subpart (other than section 338G)".

(g)(1) Section 338B(e) of the Public Health Service Act (42 U.S.C. 254m-(e)) is amended by inserting before the period the following: "or under section 225 as in effect on September 30, 1977".

(2) Section 338D(b) of such Act (42 U.S.C. 294w(b)) is amended by striking out "section

338F(b)" and inserting in lieu thereof "section 338E(d)".

(3) Section 338E(d)(1) of such Act (42 U.S.C. 294x(d)(1)) is amended by striking out "section 338D(c)" and inserting in lieu thereof "section 338D(b)".

(h) Section 340(g) of the Public Health Service Act (42 U.S.C. 256(g)) is amended (1) by striking out "and" after "1980," in paragraph (a) and by inserting before the period in that paragraph a comma and "and \$3,000,000 for the fiscal year ending September 30, 1982", and (2) by inserting "and" after "1980," in paragraph (2) and by striking out in that paragraph ", and \$3,000,000 for the fiscal year ending September 30, 1982".

(i) Section 737(2) of such Act (42 U.S.C. 294j(2)) is amended by inserting "in a State" after "means a school".

(j) Section 781(a)(2) of such Act (42 U.S.C. 295g-1(a)(2)) is amended by striking out "under area health education center programs".

(k)(1) Section 791A(B)(3)(A) of such Act (42 U.S.C. 295h-1a(b)(3)(A)) is amended by striking out "postbaccalaureate" and inserting in lieu thereof "baccalaureate".

(2) Section 791(c)(2)(A) of such Act (42 U.S.C. 295h(c)(2)(A)) is amended to read as follows:

"(A) such application contains assurances satisfactory to the Secretary that in the school year (as defined in regulations of the Secretary) beginning in the fiscal year for which the applicant receives a grant under subsection (a) that—

"(i) at least 25 individuals will complete the graduate educational programs of the entity for which such application is submitted; and

"(ii) such entity shall expend or obligate at least \$100,000 in funds from non-Federal sources to conduct such programs; and"

(l) Section 831(b) of such Act (42 U.S.C. 297-1(b)) is amended by inserting before the period a comma and the following: "\$400,000 for the fiscal year ending September 30, 1983, and \$800,000 for the fiscal year ending September 30, 1984".

(m) Title VIII of such Act is amended by adding at the end thereof the following:

"TECHNICAL ASSISTANCE

"SEC. 857. Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title."

(n) Sections 1001(c), 1003(b), and 1005(b) of such Act (42 U.S.C. 300(c), 300a-1(b), 300a-3(b)) are each amended by striking out the comma after "1981" and inserting in lieu thereof a semicolon.

(o) Section 1101(b) of such Act (42 U.S.C. 300b(b)) (as in effect before its repeal by section 2193(b)(1) of the Omnibus Budget Reconciliation Act of 1981) is amended by inserting a comma after "1981".

(p) Section 1536 of such Act (42 U.S.C. 300n-5) (as amended by section 935 of the Omnibus Budget Reconciliation Act of 1981) is amended by striking out "this title and" and inserting in lieu thereof "this title and—".

(q) Section 1602(f)(2) of such Act (42 U.S.C. 300g-2(f)(2)) is amended by inserting after "including" the following: "selling real property pledged as security for such loan or loan guarantee and".

(r)(1) The matter in section 1706(a) (42 U.S.C. 300u-5(a)) of the Public Health Service Act preceding paragraph (1) is amended by striking out "Health Information, Health Promotion and Physical Fitness and Sports Medicine" and inserting instead "Health Promotion".

(2) The section heading for section 1706 of such Act (42 U.S.C. 300u-5) is amended to read as follows:

"OFFICE OF HEALTH PROMOTION".

(s) The second sentence of section 1904(a)(1)(F) of such Act (42 U.S.C. 300w-3(a)(F)) is amended by striking out "equipment for the systems" and inserting in lieu thereof "equipment for the systems (other than systems with respect to which grants were made as prescribed by section 1905(c)(2))".

(t) Effective October 1, 1982, section 1912(b) of such Act (42 U.S.C. 300x-1(b)) is amended to read as follows:

"(b)(1) From the remainder of the amount appropriated under section 1911 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such remainder for that fiscal year as the amounts—

"(A) which would have been provided by the Secretary to the State and entities in the State under section 301 of this Act for mental health services demonstrations and under the Community Mental Health Centers Act and the Mental Health Systems Act for mental health services for fiscal year 1981 if the Secretary had obligated all the funds for such purposes available for such Acts under Public Law 96-536, and

"(B) provided by the Secretary to the State and entities in the State under the laws referred to in subparagraphs (D) and (E) of paragraph (2) for fiscal year 1980,

bore to the total amount appropriated for mental health services demonstrations and mental health services for fiscal year 1981 under Public Law 96-536 for section 301 of this Act, the Community Mental Health Centers Act and the Mental Health Systems Act and the total amount appropriated for fiscal year 1980 for the provisions of law referred to in subparagraphs (D) and (E) of paragraph (2).

"(2) The provisions of law referred to in paragraph (1) are the following provisions of law as in effect on the day before the date of the enactment of the Omnibus Budget Reconciliation Act of 1981:

"(A) The Community Mental Health Centers Act.

"(B) The Mental Health Systems Act.

"(C) Section 301 of this Act.

"(D) Sections 301 and 312 of the Comprehensive Alcohol Abuse and Alcoholism, Prevention, Treatment, and Rehabilitation Act of 1970.

"(E) Sections 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act.

"(3) For purposes of paragraph (1), the total amount appropriated under Public Law 96-536 for mental health services demonstrations under section 301 of this Act shall be deemed not to exceed \$20,000,000; and if such total amount did exceed \$20,000,000, the amount that would have been provided to each State and entities in each State shall be ratably reduced for purposes of paragraph (1)(A) to conform to the limit prescribed by this paragraph.

"(4) To the extent that all the funds appropriated under section 1911 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 1915 for the fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 1916(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph."

(u)(1) Section 1915(c)(5) of such Act (42 U.S.C. 300x-4(c)(5)) is amended (1) by inserting "procedures for" before "procedural", and (2) by striking out "review procedures" and inserting in lieu thereof "review".

(2)(A) Section 1915(c)(6)(A)(i) of such Act (42 U.S.C. 300x-4(c)(6)(A)(i)) is amended—

(i) by striking out "for mental health services";

(ii) by inserting "for mental health services" after "fiscal year 1981";

(iii) by inserting "for mental health services demonstrations under section 301 of this Act" before "if the Secretary"; and

(iv) by striking out "such Acts" each place it occurs and inserting in lieu thereof "such provisions of law".

(B) Section 1915(c)(6)(A)(ii) of such Act (42 U.S.C. 300x-4(c)(6)(A)(ii)) is amended—

(i) by striking out "for mental health services";

(ii) by inserting "for mental health services" after "fiscal year 1981";

(iii) by inserting "and for mental health services demonstrations under section 301 of this Act" before "if the Secretary"; and

(iv) by striking out "such Acts" and inserting in lieu thereof "such provisions of law".

(v) Section 1932 of such Act is amended by—

(1) inserting "(a)" after "1932.", and

(2) adding a new subsection (b) as follows:

"(b) The Secretary shall promulgate separate regulations governing the administration of this part. Such regulations shall take into account the distinctive features of the grant program authorized under this part."

(w) From the funds appropriated under section 419B of such Act or under any other applicable provision of law, the Secretary of Health and Human Services shall provide for the development and support of not less than ten comprehensive centers for sickle cell disease.

MISCELLANEOUS TECHNICAL AMENDMENTS

Sec. 9. (a) Section 931(a) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "1980," in paragraphs (1), (2), and (3) and inserting in lieu thereof "1980."

(b) Section 936(b)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "300m(d)(1)(B)(ii)" and inserting in lieu thereof "300m(d)(1)(B)".

(c) Section 942(i) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "feasible (1)" and inserting in lieu thereof "feasible (i)".

(d)(1) Section 963(b)(4) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "clause (2)" and inserting in lieu thereof "clause (3)".

(2) Section 311(a)(3) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4577(b)(3)) is amended by striking out the period at the end and inserting in lieu thereof a comma.

(e) Section 965(a) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out paragraph (A) and by redesignating paragraphs (B), (C), and (D) as paragraphs (1), (2), and (3), respectively.

(f) Section 2741(a)(3) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "and 'and'".

(g)(1) Section 709 of the Controlled Substances Act (21 U.S.C. 904) is amended (1) by striking out subsections (a) and (b), (2) by striking out "(c)", and (3) by amending the section heading to read as follows:

"PAYMENT OF TORT CLAIMS"

(2) The item relating to section 709 in the table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking out "Authorizations of Appropriations" and inserting in lieu thereof "Payment of Tort Claims".

(h) Section 302 of the Health Planning and Resources Development Amendments of 1979 (Public Law 96-79 is repealed.)

(i) The paragraph beginning with "Service and supply fund:" under the heading "PUBLIC HEALTH SERVICE" in the Federal Security Agency Appropriation Act, 1946 (42 U.S.C. 231) is amended by inserting ", or in advance," after "stock furnished".

(j)(1) Section 6(b)(1) of the Consumer Product Safety Act (15 U.S.C. 2055(b)(1)) is amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (4)".

(2) Section 11(c) of such Act (15 U.S.C. 2060(c)) is amended by striking out "section 10(e)(4)" and inserting in lieu thereof "subsection (f)".

(3) Section 15(g)(1) of such Act (15 U.S.C. 2064(g)(1)) is amended by striking out "section 12(c)(1)" and inserting in lieu thereof "12(d)(1)".

(4)(A) Section 19(a)(7) of such Act (15 U.S.C. 2068(a)(7)) is amended by striking out "section 9(d)(2)" and inserting in lieu thereof "section 9(g)(2)".

(B) Paragraph (8) of Section 19(a) of such Act is repealed and paragraph (9) and the first of the two paragraphs (10) are redesignated as paragraphs (8) and (9), respectively.

(5) Section 31(b)(1) of such Act (15 U.S.C. 2080(b)(1)) is amended by striking out the "The Commission" and all that follows through "Substances Act," and inserting in lieu thereof the following:

"(b)(1) The Commission may not issue—

"(A) an advance notice of proposed rulemaking for a consumer product safety rule,

"(B) a notice of proposed rulemaking for a rule under section 27(e), or

"(C) an advance notice of proposed rulemaking for regulations under section 2(q)(1) of the Federal Hazardous Substances Act."

(k) Section 3(a) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472(a)) is amended by striking out ", after consultation with the Technical Advisory Committee provided for in section 6 of this Act".

(l) Section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) (as amended by section 1211(f)(1) of the Omnibus Budget Reconciliation Act of 1982) is amended by adding at the end thereof the following:

"(e) For purposes of this section (1) the term 'manufacturer' includes an importer for resale, and (2) a dealer who sells at wholesale an article or substance shall with respect to that sale be considered the distributor of that article or substance."

(m) Section 1211(h)(4) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "by inserting 'Science and Transportation' immediately after 'on Commerce', and".

STUDY

Sec. 10. Of the funds available under section 706 of the Energy Security Act, there

shall be made available \$800,000 for the costs of a grant or contract for a study of the water quality of the Quabbin Reservoir in Massachusetts.

PATENT TERM EXTENSION

Sec. 11. (a) Title 35, United States Code, is amended by adding the following new section:

"§ 155. Patent term extension

"Notwithstanding the provisions of section 154, the term of a patent which encompasses within its scope a composition of matter or a process for using such composition shall be extended if such composition or process has been subjected to a regulatory review by the Federal Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act leading to the publication of regulation permitting the interstate distribution and sale of such composition or process and for which there has thereafter been a stay of regulation of approval imposed pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act which stay was in effect on January 1, 1981, by a length of time to be measured from the date such stay of regulation of approval was imposed until such proceedings are finally resolved and commercial marketing permitted. The patentee, his heirs, successors or assigns shall notify the Commissioner of Patents and Trademarks within ninety days of the date of enactment of this section or the date the stay of regulation of approval has been removed, whichever is later, of the number of the patent to be extended and the date the stay was imposed and the date commercial marketing was permitted. On receipt of such notice, the Commissioner shall promptly issue to the owner of record of the patent a certificate of extension, under seal, stating the fact and length of the extension and identifying the composition of matter or process for using such composition to which such extension is applicable. Such certificate shall be recorded in the official file of each patent extended and such certificate shall be considered as part of the original patent, and an appropriate notice shall be published in the Official Gazette of the Patent and Trademark Office."

(b) The analysis for chapter 14 of such title 35 is amended by adding at the end the following:

"155. Patent term extension."

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

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

Mr. MADIGAN. Mr. Speaker, I reserve the right to object for the purpose of giving the gentleman from California (Mr. WAXMAN) some opportunity to remind the House as to what the orphan drug bill is, to explain briefly the Senate amendment, and also explain the House amendment to the Senate amendment.

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

Mr. MADIGAN. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for the opportunity to explain this matter.

Mr. Speaker, the Senate amendment to H.R. 5238 includes the Orphan Drug Act in a form similar to that passed by the House in October 1982 by a voice vote. The purpose of the Orphan Drug Act is to provide incentives for the development of drugs for rare diseases and conditions.

There are many diseases and conditions which affect only a small number of people in this country. Examples of such diseases and conditions are Huntington's disease which afflicts 14,000 persons, myoclonus—2,000 persons, ALS (Lou Gehrig's disease)—9,000 persons, Tourette syndrome—100,000 persons, and muscular dystrophy—200,000 persons. Unfortunately, adequate drugs have not been developed for these rare diseases or conditions because pharmaceutical companies expect to lose money on them. The cost of developing such drugs is likely to exceed the relatively small return on sales. As a result, these drugs generally lack a sponsor to undertake the necessary research and development activities to obtain approval by the Food and Drug Administration (FDA). For this reason, they are known as orphan drugs.

The Senate amendment did not change most of the incentives for orphan drug development contained in the House bill. Both amend applicable Federal law to clarify the requirements needed for FDA approval of an orphan drug. Second, both offer exclusive marketing rights on orphan drugs which are not subject to patent protection. These exclusive rights would extend for a period of 7 years. Third, both establish an "Orphan Products Board" to coordinate the activities of the Federal agencies involved in drug research and regulation.

Unfortunately, the Senate amendment deleted from the House bill a 90-percent tax credit for 7 years for the cost of orphan drug development and substituted a 3-year grant program totaling \$50 million. The amendment I am offering contains a compromise among the House and Senate tax and legislative committees. The compromise provides a 50-percent tax credit for the cost of conducting human clinical tests and a deduction for the remaining 50 percent of clinical testing expenses. In addition, the compromise authorizes grants of \$4 million for 3 fiscal years to defray the cost of orphan drug development. Although this is less than the tax benefits in the House-passed bill, I believe it is a good compromise and will provide sufficient incentives for the development of orphan drugs.

The Senate amendment adds a number of other provisions to the Orphan Drug Act. First, it adds a package of technical and minor

amendments to the Public Health Service Act. All of these amendments are included in H.R. 6355 as reported by the Commerce Committee. The House amendment before us makes some additional technical changes which were also in H.R. 6355.

Second, the Senate amendment directs the Secretary of the Department of Health and Human Services to develop radioepidemiological tables which will catalog for each radiogenic cancer the probability that a radioactive dose caused the cancer. The Secretary is also required to study the relationship between iodine 131 and thyroid cancer.

Third, the Senate amendment provides a small grant and loan program to proprietary entities for the initial cost of establishing and operating home health care centers and for training homemaker health aides.

Also, it requires the Department of Health and Human Services to provide funding for 10 comprehensive sickle cell centers.

Further, it directs the Secretary of HHS to promulgate separate regulations for the administration of the primary care block grant.

In addition, it requires the EPA to set aside \$800,000 to study the water quality of the Quabbin Reservoir in Massachusetts.

Finally, the Senate amendment extends the patent for a food additive.

As I have indicated, my amendment makes some minor and technical changes in the Senate amendment as well as restores the tax credit for orphan drug development. Both the tax and legislative portions of the amendment have been discussed with the appropriate House and Senate committees, and it is my understanding that it is acceptable to all concerned.

The Senate amendment to which we are concurring contains a provision within the jurisdiction of the Judiciary Committee. Concurrence in this provision does not constitute a waiver of the Judiciary Committee's jurisdiction. The provision has been included because it is identical to one contained in a bill reported by the Judiciary Committee.

Mr. Speaker, I urge adoption of my amendment to the Senate substitute to H.R. 5238.

SECTION-BY-SECTION ANALYSIS OF ORPHAN DRUG ACT

SHORT TITLE; FINDINGS

The Senate amendment to H.R. 5238 as amended by the House (hereafter H.R. 5238) provides that this Act may be cited as the "Orphan Drug Act." The bill reports the Congress' findings that adequate drugs for some diseases or conditions which affect only a small number of U.S. residents are not being developed. Pharmaceutical companies are unwilling to sponsor such drugs for Food and Drug Administration (FDA) approval because development costs are likely to exceed the small return on sales of

the drugs. These drugs are known as orphan drugs because no pharmaceutical company will sponsor their development. The Congress also finds that it is in the public interest to amend applicable Federal laws to encourage the development of orphan drugs.

RECOMMENDATIONS FOR INVESTIGATIONS OF DRUGS FOR RARE DISEASES OR CONDITIONS

H.R. 5238 establishes a new subchapter B in Chapter 5 of the Federal Food, Drug and Cosmetic Act (FFDCA) and adds a new section 525 to subchapter B.

Section 525(a) provides that the sponsor of a drug (including a biological product) for a disease or condition which is rare in the United States (hereafter known as an orphan drug) may request the Secretary of Health and Human Services (hereafter Secretary) to provide written recommendations for clinical and non-clinical investigations. This request may be made before the drug is designated as an orphan drug. If the Secretary has reason to believe that the drug is an orphan drug, he must provide the sponsor with written recommendations for the investigations which must be conducted before the drug or biological product may be approved under section 505 of FFDCA or licensed under section 351 of the Public Health Service Act (PHSA), respectively. In making such recommendations, the Secretary must exercise his best judgement based upon the information available at the time of the request.

Subsection (b) requires the Secretary to promulgate procedural rules necessary to implement this section.

DESIGNATION OF DRUGS FOR RARE DISEASES OR CONDITIONS

H.R. 5238 adds a new section 526 to FFDCA.

Section 526(a) provides that the manufacturer or sponsor of a drug may request the Secretary to designate the drug as one for a disease or condition. The term "rare disease or condition" is defined as a disease or condition which occurs so infrequently in the United States that there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drug. Determinations under the definition would be made on the basis of the facts and circumstances as of the date the request for designation of the drug is made.

Upon such a request, the Secretary must so designate the drug if he finds: (1) the drug is being or will be investigated for a disease or condition rare in the United States; and (2) the drug would be used for that rare disease or condition if approved under section 505 of FFDCA or licensed under section 351 of PHSA. As a part of the request for designation as an orphan drug, the manufacturer or sponsor must consent to public notice of the drug's designation.

In determining whether a drug is for a rare disease or condition, the Secretary will look primarily at the number of people who will be able to use the drug. This target population could be all persons with the indicated disease or condition, or because of varying circumstances among the disease group, a subset of all persons with the disease. Once the number of potential users is estimated, then the Secretary would determine whether there is any reasonable expectation that the drug's cost could be recovered.

The requirement that the Secretary determine that a drug sponsor could not reasonably expect to recover its costs is not intend-

ed to establish a test of the "commercial value" of a drug. Rather, it is an effort to focus the Secretary's evaluation on the incidence of the disease and whether the predicted low use will prevent development of the drug.

Subsection (b) requires the Secretary to give notice to the public that a drug has been designated as an orphan drug.

Subsection (c) requires the Secretary to promulgate procedural regulations necessary to implement subsection (a).

PROTECTION FOR UNPATENTED DRUGS FOR RARE DISEASES OR CONDITIONS

H.R. 5238 adds a new section 527 to the FFDCA.

If the Secretary has approved an application for an orphan drug under section 505(b) of FFDCA or issued a license under section 351 of PHSA for which a U.S. Letter of Patent may not be issued, section 527(a) prohibits the Secretary from approving a second application or issuing another license for the same drug until seven years after the approval of the first application or issuance of the first license. Section 505(c)(2) does not apply to the refusal to approve an application under this subsection.

Notwithstanding subsection (a), the Secretary may approve the application of a second sponsor or issue a license to a second sponsor for the same drug under subsection (b) in either of two circumstances. First, if the Secretary finds that the holder of the approved application or license for an orphan drug cannot assure the availability of the drug, then the Secretary may approve a second application or issue another license during the seven year period. In determining the availability of a drug, the test is whether the drug's sponsor is making the drug available and accessible to those afflicted with the disease or condition for which the drug is designated. Before taking this action, the Secretary must provide the holder of the approved application or license with reasonable notice and opportunity for submission of views. This is an informal procedure not subject to the Administrative Procedures Act. The Secretary may also approve a second application or issue another license for an orphan drug if the holder of the first application or license so consents in writing.

OPEN PROTOCOLS FOR INVESTIGATIONS OF DRUGS FOR RARE DISEASES OR CONDITIONS

H.R. 5238 adds a new section 527 to FFDCA.

If a notice of claimed exemption under section 505(i) is filed for an orphan drug, section 527 requires the Secretary to encourage the sponsor of an orphan drug to design protocols for human clinical investigations which permit the addition of individuals who need the drug for treatment because there is no satisfactory alternative drug available.

ORPHAN PRODUCTS BOARD

H.R. 5238 adds a new section 227 to Title II of PHSA.

Section 227(a) establishes an Orphan Products Board in the Department of Health and Human Services for the development of drugs, biologics, devices and diagnostic products for rare diseases and conditions. The Board is chaired by the Assistant Secretary for Health and comprised of representatives of FDA, National Institutes of Health (NIH), Centers for Disease Control, and any other department or agency that the Secretary determines is engaged in relevant activities. Representatives of all de-

partments and agencies are selected by the Secretary.

Subsection (b) provides that the function of the Board is to promote the development of orphan drugs and devices and the coordination of Federal, public and private agencies in their activities relating to development of orphan drugs and devices.

Subsection (c) requires the Board to evaluate the effect upon, and implementation of, subchapter B of FFDCA on the development of orphan drugs. Also, the Board must evaluate the activities of NIH and the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) in the development of orphan drugs. Further, the Board must assure appropriate coordination among the relevant Federal agencies as well as manufacturers and organizations representing patients in their activities relating to orphan drugs. Fourth, the Board shall inform physicians and the public of the availability of an orphan drug. Fifth, it shall seek businesses and others to sponsor orphan drugs, investigators to facilitate the development of such drugs, and businesses to distribute such drugs. Finally, the Board shall recognize the efforts of public and private groups and individuals in seeking the development of orphan drugs.

Subsection (d) requires the Board to consult with interested persons regarding its activities. Such consultations must provide the opportunity for the presentation or oral views.

Subsection (e) requires the Board to submit an annual report to the specified Congressional committees which identifies drugs designated under section 526 of FFDCA, describes the activities of the Board, and contains the results of the Board's evaluations. The Director of NIH and the Administrator of ADAMHA must submit a report on their research activities with respect to rare diseases and conditions to the Board for inclusion in the annual report. The Secretary of Treasury must submit a report on the use of the orphan drug tax credit to the Board for inclusion in the annual report. The Secretary of Health and Human Services must also submit a report on the grant program to the Board for inclusion in the annual report. The Board's annual report is to be submitted by June 1 of each year for the preceding year.

TAX CREDIT

Overview

The bill provides an elective nonrefundable income tax credit for certain human clinical testing expenditures ("qualified clinical testing expenses") which are necessary in obtaining the approval by the Food and Drug Administration for the commercial sale of a drug for a rare disease. The rate of the credit is 50 percent of the amount of clinical testing expenditures. The amount of any deduction or charge to capital account attributable to "qualified clinical testing expenses" otherwise allowable is reduced by the amount of the credit. In addition, no credit is allowable under any other provision for amounts eligible for the new credit.

Qualified clinical testing expenses

For purposes of the credit, the bill defines the term "qualified clinical testing expenses" to mean amounts which would qualify as "qualified research expenses" under the credit for research and experimental expenditures (section 44F), with certain modifications. Under these modified rules, a taxpayer's expenditures eligible for the new credit consist of (1) "in-house" expenditures by the taxpayer for wages, supplies, and

rentals of personal property used in certain types of testing ("clinical testing") conducted by the taxpayer; and (2) 100 percent of amounts paid to any person by the taxpayer (other than an employee of the taxpayer) for "clinical testing" conducted on the taxpayer's behalf. However, expenditures are not eligible for the credit to the extent that the expenditure is funded by any grant, contract, or otherwise by another person or any governmental entity.

qualified clinical testing

The bill defines the term "clinical testing" to mean any human clinical testing which (1) is carried out under an exemption for a drug being tested for a rare disease under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FFDCA), (2) occurs after the date such drug is designated as a drug for a rare disease under section 526 of such Act, but before the date on which an application with respect to such drug is approved under section 505(b) of such Act, and (3) which is conducted by or on behalf of the taxpayer to whom the designation under such section 526 of such Act applies.

For purposes of the new credit, human clinical testing is the testing which uses human subjects to determine the effects of the drug on human beings and which is necessary for approval of the drug under section 505(b) of the FFDCA. Expenditures are not incurred under a 505(i) exemption unless their primary purpose is to qualify the drug for sale in the United States. Testing is taken into account only if it is related to the use of a drug for the rare disease or condition for which the drug was designated under section 526 of the FFDCA.

Rare disease or condition

For purposes of the credit, the bill defines the term "rare disease" to mean any disease or condition which occurs so infrequently in the United States that there is no reasonable expectation of the taxpayer that the cost of developing and making available in the United States a drug for such disease will be recovered from sales in the United States of such drug, including sales by licensees. This determination with respect to any particular drug is to be made on the basis of the facts and circumstances in existence as of the date on which such drug is designated under section 526 of the FFDCA. Since the Secretary of Health and Human Services must make a similar determination under section 526 of the FFDCA, it is expected that the Secretary of the Treasury generally is to rely on the finding of the Secretary of HHS made under such section 526. However, because the reasonable expectation must be that of the taxpayer, the Secretary of the Treasury may find that a taxpayer's reasonable expectations as of the date of designation of the drug did not satisfy the definition of rare disease for purposes of the credit.

Coordination with credit for increasing research activities

Any qualified clinical testing expenses taken into account in computing the new credit for a taxable year cannot be taken into account for purposes of computing the credit for research and experimental expenditures allowable under section 44F for such taxable year. However, any qualified clinical testing expenses for any taxable year which are qualified research expenses (within the meaning of section 44F(b)) are to be taken into account in determining base period research expenses, for purposes

of applying section 44F to subsequent taxable years.

Limitations on testing outside the United States and testing by possessions corporations

Expenditures for testing outside the United States are not eligible for the credit unless (1) the testing is conducted outside the United States because there is an insufficient testing population in the United States, and (2) the testing is conducted by a United States person or any other person who is not related to the taxpayer to whom the section 526 designation applies. For this purpose, two corporations are unrelated if each owns, directly or indirectly, less than a 10 percent interest in the other.

In addition, the credit is not available for any testing, either inside or outside the United States, conducted by corporations to which section 934(b) or section 936 applies.

Disallowance of deductions

The credit is available for qualified clinical testing expenses for the taxable year regardless of whether the taxpayer has elected under section 174 to expense or amortize research expenditures. However, the amount of any deduction for qualified clinical testing expenses is reduced by the amount of any credit allowed for such expenses. If the taxpayer capitalizes, rather than deducts, the qualified clinical testing expenses otherwise allowable as a deduction for the taxable year, the amount chargeable to capital account for the taxable year is reduced by the excess of the amount of the credit over the amount allowable as a deduction for qualified clinical testing expenses for the taxable year.

Rules for aggregation of related taxpayers

For purposes of the credit, all members of a controlled group of corporations are treated as one taxpayer. Aggregation is also required of all partnerships, proprietorships, and any other trades or businesses which are under common control with the taxpayer. The rules defining these terms are similar to the rules applicable to the credit for research and experimental expenditures.

Effective date

The bill applies to qualified clinical testing expenditures paid or incurred after December 31, 1982, and before January 1, 1988.

GRANTS

H.R. 5238 authorized appropriations to \$4 million for fiscal years 1983, 1984 and 1985 for grants to assist eligible entities or individuals to defray the costs of qualified clinical testing expenses. Qualified clinical testing expenses are defined as human clinical testing of a drug designated for a rare disease or condition under section 526 and carried out under a section 505(i) exemption. The term "rare disease or condition" is defined the same throughout the Act.

The purpose of the grant program is to allow FDA to continue its current grant activities. The FDA has identified certain orphan drugs which probably would be sponsored by a drug company if there were some evidence of their effectiveness. FDA makes grants to independent clinical investigators to conduct initial tests to develop that evidence; and if the tests are successful, FDA then seeks drug companies to sponsor the further tests necessary for approval of the drugs.

Under this grant program, FDA would continue to fund independent investigators to conduct initial human clinical tests. It is not intended that FDA make grants to drug companies which utilize the tax credit.

□ 1245

Mr. MADIGAN. Is it correct to describe the Senate amendment with regard to the tax provisions as making the tax benefits less generous for the industry than those that were contained in the House bill which passed the House unanimously?

Mr. WAXMAN. Yes; that is a correct statement. They are less generous than those that passed this House.

Mr. MADIGAN. And is it also correct to identify the House amendment to the Senate amendment as being purely technical in nature, and not dealing with any substantive legislative matter?

Mr. WAXMAN. It is not solely technical in nature. It is to carry out the agreement of all the parties that have been involved in this legislation, as to how the tax benefit would be treated. There was a change to iron out a controversy over another item the Senate had added dealing with a study by one of the Senators.

● Mr. ROSTENKOWSKI. Mr. Speaker, first let me congratulate Chairman WAXMAN of the Subcommittee on Health and Environment of the Committee on Energy and Commerce for his continued diligence in working out a compromise that we hope will result in the enactment of H.R. 5238, the Orphan Drug Act.

This legislation will facilitate the development of drugs for rare diseases or conditions in the United States. It is my understanding that the major thrust of this legislation is to clarify the Food and Drug Administration's approval process for orphan drugs, to coordinate the activities of Federal agencies involved in drug research, and for other purposes.

H.R. 5238 also contains a provision on which Chairman WAXMAN and I have closely consulted. As originally passed by the House on September 28, 1982, the bill allowed a 90-percent tax credit for the cost of conducting human clinical trials as an incentive to developing orphan drugs. The provision before the House today permits a tax credit equal to 50 percent of these costs. This incentive is limited to those cases where there is no reasonable expectation that the cost of developing and making available such orphan drugs in the United States would be recovered from U.S. sales of such drugs. I wish to emphasize that this credit provision is a tax matter within the jurisdiction of the Committee on Ways and Means. However, due to the unique and extremely limited circumstances involved in providing incentives for the development of orphan drugs, I have worked in cooperation with Chairman WAXMAN and the Commerce Committee to expedite consideration of this important legislation. In view of these unique circumstances and the extensive consultation between our two committees, I believe

that public policy will be best served by agreeing to the carefully worked out tax provisions in H.R. 5238. Mr. Speaker, I wish to emphasize that this is not intended to constitute a precedent for consideration of other tax measures on nonrevenue legislation. Nor should it be construed as a jurisdictional precedent if amendments to this tax credit prove to be necessary in the future. Rather, it is a practical approach to providing this limited problem with a timely solution.

The tax credit provision in H.R. 5238 is similar in many respects to the research and development tax credit which we enacted in 1981. I am including in the RECORD at the conclusion of my remarks a detailed, technical discussion of the tax credit provision which is intended to be the official legislative history of the tax credit for the interpretative guidance of the Treasury Department and the public.

Mr. Speaker, the new credit provision breaks new ground in determining what is an orphan drug. The provision defines the term "rare disease or condition" as any disease or condition which occurs so infrequently in the United States that there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease will be recovered from sales in the United States of that drug. The statute provides that this determination shall be made on the basis of the facts and circumstances as of the date such drug is designated under section 526 of the Federal Food, Drug and Cosmetic Act.

This same definition will appear in both the Internal Revenue Code and the Federal Food, Drug, and Cosmetic Act. Thus, both the taxpayer and the FDA must make determinations as to whether there is a reasonable expectation of profit from domestic sales of the drug. Consequently, it is expected that a designation by the FDA under section 526 would constitute sufficient grounds for treatment of a drug as an orphan drug for purposes of the 50-percent tax credit. While all interpretative determinations of the Internal Revenue Code are within the purview of the Department of the Treasury, it is expected that the Treasury Department and the Internal Revenue Service will give due deference to the scientific expertise of the FDA in determining whether the tax credit is available.

It is the intention of the Committee on Ways and Means to monitor closely the impact of this tax incentive, the definition of orphan drug and the administration of this new credit. To that end, the tax credit will sunset at the end of 1987. I am informed by the staff of the Joint Committee on Taxation that the estimated revenue loss resulting from enactment of the 50-percent tax credit for orphan drugs

will be \$8 million in fiscal year 1983, \$15 million in 1984, 1985, 1986, and 1987, and \$7 million in 1988.

Again, I applaud the efforts of Chairman WAXMAN both for providing leadership in stimulating development of these important drugs and for respecting the concerns of the tax writing committees in the development of this particular tax incentive.

Mr. Speaker, I fully support the 50-percent tax credit provided in this legislation and urge its adoption.

CREDIT FOR CLINICAL TESTING EXPENSES FOR CERTAIN DRUGS FOR RARE DISEASES OR CONDITIONS

OVERVIEW

The bill provides an elective nonrefundable income tax credit for certain human clinical testing expenditures—"qualified clinical testing expenses"—which are necessary in obtaining the approval by the Food and Drug Administration for the commercial sale of a drug for a rare disease. The rate of the credit is 50 percent of the amount of clinical testing expenditures. The amount of any deduction or charge to capital account attributable to "qualified clinical testing expenses" otherwise allowable is reduced by the amount of the credit. In addition, no credit is allowable under any other provision for amounts eligible for the new credit.

QUALIFIED CLINICAL TESTING EXPENSES

For purposes of the credit, the bill defines the term "qualified clinical testing expenses" to mean amounts which would qualify as "qualified research expenses" under the credit for research and experimental expenditures—section 44F—with certain modifications. Under these modified rules, a taxpayer's expenditures eligible for the new credit consist of first, "in-house" expenditures by the taxpayer for wages, supplies and rentals of personal property used in certain types of testing—clinical testing—conducted by the taxpayer; and second, 100 percent of amounts paid to any person by the taxpayer—other than an employee of the taxpayer—for "clinical testing" conducted on the taxpayer's behalf. However, expenditures are not eligible for the credit to the extent that the expenditure is funded by any grant, contract, or otherwise by another person or any governmental entity.

QUALIFIED CLINICAL TESTING

The bill defines the term "clinical testing" to mean any human clinical testing which first, is carried out under an exemption for a drug being tested for a rare disease under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FFDCA), second, occurs after the date such drug is designated as a drug for a rare disease under section 526 of such act, but before the date on which an application with respect to such drug is approved under section 505(b) of such act, and third, which is conducted by or on behalf of

the taxpayer to whom the designation under such section 526 of such act applies.

For purposes of the new credit, human clinical testing is the testing which uses human subjects to determine the effects of the drug on human beings and which is necessary for approval of the drug under section 505(b) of the FFDCA. Expenditures are not incurred under a 505(i) exemption unless their primary purpose is to qualify the drug for sale in the United States. Testing is taken into account only if it is related to the use of a drug for the rare disease or condition for which the drug was designated under section 526 of the FFDCA.

RARE DISEASE OR CONDITION

For purposes of the credit, the bill defines the term "rare disease or condition" to mean any disease or condition which occurs so infrequently in the United States that there is no reasonable expectation of the taxpayer that the cost of developing and making available in the United States a drug for such disease will be recovered from sales in the United States of such drug, including sales by licensees. This determination with respect to any particular drug is to be made on the basis of the facts and circumstances in existence as of the date on which such drug is designated under section 526 of the FFDCA. Since the Secretary of Health and Human Services must make a similar determination under section 526 of the FFDCA, it is expected that the Secretary of the Treasury generally is to rely on the finding of the Secretary of HHS made under such section 526. However, because the reasonable expectation must be that of the taxpayer, the Secretary of the Treasury may find that a taxpayer's reasonable expectations as of the date of designation of the drug did not satisfy the definition of rare disease for purposes of the credit.

COORDINATION WITH CREDIT FOR INCREASING RESEARCH ACTIVITIES

Any qualified clinical testing expenses taken into account in computing the new credit for a taxable year cannot be taken into account for purposes of computing the credit for research and experimental expenditures allowable under section 44F for such taxable year. However, any qualified clinical testing expenses for any taxable year which are qualified research expenses—within the meaning of section 44F(b)—are to be taken into account in determining base period research expenses, for purposes of applying section 44F to subsequent taxable years.

LIMITATIONS ON TESTING OUTSIDE THE UNITED STATES AND TESTING BY POSSESSIONS CORPORATIONS

Expenditures for testing outside the United States are not eligible for the credit unless first, the testing is conducted outside the United States be-

cause there is an insufficient testing population in the United States, and second, the testing is conducted by a U.S. person or any other person who is not related to the taxpayer to whom the section 526 designation applies. For this purpose, two corporations are unrelated if each owns, directly or indirectly, less than a 10-percent interest in the other.

In addition, the credit is not available for any testing, either inside or outside the United States, conducted by corporations to which section 934(b) or section 936 applies.

DISALLOWANCE OF DEDUCTIONS

The credit is available for qualified clinical testing expenses for the taxable year regardless of whether the taxpayer has elected under the section 174 to expense or amortize research expenditures. However, the amount of any deduction for qualified clinical testing expenses is reduced by the amount of any credit allowed for such expenses. If the taxpayer capitalizes, rather than deducts, the qualified clinical testing expenses otherwise allowable as a deduction for the taxable year, the amount chargeable to capital account for the taxable year is reduced by the excess of the amount of the credit over the amount allowable as a deduction for qualified clinical testing expenses for the taxable year.

RULES FOR AGGREGATION OF RELATED TAXPAYERS

For purposes of the credit, all members of a controlled group of corporations are treated as one taxpayer. Aggregation is also required of all partnerships, proprietorships, and any other trades or businesses which are under common control with the taxpayer. The rules defining these terms are similar to the rules applicable to the credit for research and experimental expenditures.

EFFECTIVE DATE

The bill applies to qualified clinical testing expenditures paid or incurred after December 31, 1982, and before January 1, 1988.●

● Mr. WEISS. Mr. Speaker, it is with great pleasure that I support H.R. 5238, the Orphan Drug Act. The passage of this legislation will mark a new beginning in the needed development and marketing of drugs for rare diseases.

The problem of orphan drugs is nothing less than a human and social tragedy. Millions of Americans suffer daily from debilitating and often fatal disorders, not because a treatment for their ailment does not exist, but because such treatments are unprofitable to develop and market. The cost of research and development for new drugs is so high that drug manufacturers have no financial incentive to produce drugs unless a mass market exists. Consequently, drugs to treat individuals afflicted with rare diseases

fail to attract the interest or resources of private pharmaceutical manufacturers. Our current system of drug development leaves little hope or promise for the 2,000 individuals affected by myoclonus, the 9,000 affected by ALS, the 14,000 affected by Huntington's disease, the 100,000 affected by Tourette Syndrome, the 200,000 affected by muscular dystrophy, and the millions affected by other orphan illnesses. With few exceptions, the cries of these individuals have gone unheard and unheeded by both industry and government.

The Orphan Drug Act addresses many of the regulatory and economic obstacles that impede the development of these drugs. Specifically, the legislation provides financial incentives in the form of tax credits and grants, adds limited flexibility in the drug approval process for orphan drugs, assures exclusive marketing rights for currently nonpatentable substances that treat rare diseases, and establishes an Orphan Products Board to coordinate Federal activities in this area. While we cannot legislate a panacea for the orphan drug problem, this bill significantly increases the possibility that industry will develop these drugs and that government will be more actively involved in the amelioration of this troubling issue.

I would like to commend the gentleman from California, Mr. WAXMAN, for his efforts and leadership in this area. His work culminates a process begun several years ago by former Representative Elizabeth Holtzman. Early last year, I was proud to have reintroduced the original orphan drug bill which she authored. But most deserving of credit for congressional attention to this problem are those individuals, patients, family members, and physicians who have worked tirelessly to bring their plight into the public arena.

Mr. Speaker, I strongly urge my colleagues to support this responsible and compassionate legislation. It recognizes that those in need of orphan drugs should be afforded the same care and concern as that given to persons afflicted with more prevalent and profitable diseases. And it offers a glimmer of hope to those who are suffering and who deserve a real chance to enjoy a more healthy future.●

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

The SPEAKER. Is there objection to the request of the gentleman from California (Mr. WAXMAN) that the amendments be considered as read?

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measure just considered.

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

There was no objection.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution (H.J. Res. 631) making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes, and that I may include extraneous and tabular material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, 1983

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 631) making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

The SPEAKER. The Chair designates the gentleman from Illinois (Mr. ROSTENKOWSKI) as Chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. PEYSER) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 631) with Mr. PEYSER, Chairman pro tempore, in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the joint resolution is dispensed with.

The gentleman from Mississippi (Mr. WHITTEN) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman and my colleagues, first I want to call attention to the urgency of the actions we are to take here. We have to get the joint resolution through the House, through the Senate, through conference, and signed by the President in 4 days. It means, of course, that anything we finally agree on must be agreeable to the President if we are to meet the deadline of December 17.

No one regrets having to operate as we are having to do this year more than I. We need not detail again the circumstances which caused us to be late dealing with our appropriations. We started almost 2 months late because we did not have an agreement on the budget ceiling, also other circumstances beyond the committee's control have made it necessary for us to have this continuing resolution. Members will recall that under an opinion of the attorney general, unless we get this bill signed into law by December 17 all Government activities, or practically all, will come to a standstill. In my opinion, we will have to have an agreement between the House, the Senate, and the White House, that we can all agree upon, by this Friday.

Title II of the resolution, providing for productive employment and helping to improve certain deteriorating aspects of the country, is included because we found a condition that was arising where the soundness of our economy was not being adequately addressed. In recent days, the House passed the defense appropriation bill. We put in commitments that will equal billions of dollars over just the next 4 years. Not only that, we passed that defense bill at a level providing \$230 billion in appropriations for fiscal year 1983.

The point that is behind this is that a strong defense is based on a strong economy. So, I welcome the chance to help with the preparation of a resolution that will help with what we need to do to strengthen the economy of this country.

Let me go into a little detail and tell the Members just how we went about it when we were asked to look into this. The Appropriations Committee, so far as I know, is the only place where such extensive hearings are held on so many diverse programs. In the 97th Congress, we had 11,772 witnesses and printed 211 volumes of hearings. So, I called on the subcommittee chairmen to review the hearing record and point out additional unmet needs of the country, to retard the deterioration and preserve its investments, and protect the well-being of this Nation.

May I say that I recognize that Government activity alone cannot get us to recover, but it will be increasing the

wealth of our country and keeping our resources in good shape.

Today, in American agriculture, farmers owe over \$200 billion at 15, 16, and even 20 percent interest. If the present values go down as they are doing now, fewer of them will be able to farm next year unless we make special arrangements.

May I call the attention of the Members to why it is necessary, in my opinion, to call the attention of the public and of the Congress to the fact that we are doing something, not merely to create jobs, but to do the work needed in our Nation which will preserve and generate jobs, that would go on creating jobs. Given the current deteriorating situation I defy anyone to see if there is any better way to bring together the hearings which show where we need it and what we need.

We do not tie down the funds provided to specific projects in most instances, because we know that we need the persons who deal with this to have some flexibility so that the whole country will be assisted. In calling on the Secretary of Commerce and the Secretary of the Treasury to conduct a study and report to the Congress, we recognize that we have got to get American business back in world business. In addition to that, we also point out in title II that in this process we need to create what amounts to the old Reconstruction Finance Corporation, because people with problems have different kinds of problems. Some need liquid assets at the moment. We have had experience in this, and although it was controversial at the time, I am glad I supported it. Another example of Government assisting business out of a difficult time is the Chrysler loan program, which has proven to be very worthwhile. Not only has the Government liability been secured, but we see that it got back on the track. We also saw this co-operation with New York City loan guarantee program and elsewhere. But the Congress cannot deal with these things item by item. We need a government corporation to handle these things as was done when we tried to recover from the last depression. Others may differ with me, but we have all the signs we had in the years that preceded the last depression, and we are right on the edge of another one.

Let me tell the Members what motivated our conduct and led us to try to do something about the current situation. Unemployment has increased to 10.8 percent on a national basis, reaching a national high of 17.2 percent in the State of Michigan. Actual filings of business-related bankruptcies for the year ending June 30, 1982, totaled 77,503, as compared to 66,332 the preceding year. Business failures reported by Dun & Bradstreet are up 49 percent compared to 1 year ago. Only 35.7

percent of our domestic steel industry capacity is currently being utilized, which represents the lowest capacity since 1932. Pay attention to that date.

The Trade Adjustment Assistance Administration of the Department of Labor certified that 510,000 individuals are unemployed as a result of foreign automobile imports. During the 1975 recession, approximately 76 percent of unemployed workers were covered by some form of unemployment benefits. Today, only 49 percent are currently covered. Our unemployment compensation now exceeds \$20 billion a year.

So, I say to the Members, having received this information from the subcommittees, and without tying it down to specific projects but leaving some leeway, \$5.4 billion was recommended, which is a very small part of what we appropriated to Defense only a few days ago. It is a mighty small step to direct our attention to getting back on track and restoring our country. I believe it does make a difference.

It is also our committee that asked for a review of the Federal Reserve System and recently they have begun to reduce the interest rates, and that is essential.

In my letter to the Rules Committee I suggested that the joint resolution be considered in the House. Otherwise, the nature of the resolution is such that nearly any German amendment would be in order. The Rules Committee has a difficult task, and I understand that, but let me say this with regard to the amendments that were made in order: I hope the Members will vote against those in the energy and water development area, and I will tell the Members why.

These cut-back amendments will expire when the resolution expires. To stop these projects and start over again does not make any sense. I am sure every last one of them will be in the bill on appropriations for energy and water development, and if they are stopped here, the stoppage will only be temporary; it will end with the termination date of the resolution. So, whatever a Member may feel, in the long run certainly it would be shortsighted and do no good whatever to vote for them here when they will come back before us. The nature of a continuing resolution is basically to maintain existing programs. Major programs should not be started or stopped.

So, I urge the Members to support us in this effort. May I say again, whatever action the Members take here it is evident that before we do meet this December 17 deadline we are going to have to have agreement between the House and Senate and the President, because that is the situation we face.

Mr. Chairman, I would like to take a few moments at this time to discuss

the construction of the continuing resolution. As I have said earlier in my statement, this resolution before you has two parts; the normal continuing resolution which provides temporary funding for the Government until March 15, 1983 and a separate part dealing with the maintenance and improvement of the real wealth of our country.

The continuing resolution section of this resolution provides emergency and temporary funding for various departments and agencies through March 15, 1983 for 10 of the regular appropriations bills. As my colleagues will remember, three of the regular appropriations bills have already been provided for by previous actions; namely, the HUD-Independent Agencies bill, the military construction bill and the legislative branch appropriations bill. The 10 remaining bills are provided for in this resolution as follows:

The following five bills are provided for at the House or Senate bill rate, whichever is lower—a special provision deems House and Senate reported bills as having been passed: Agriculture, Transportation, Interior, District of Columbia, and Treasury-Postal Service-General Government.

The following three bills are provided for at the House passed rate of operations with minor exceptions: Defense, Commerce-Justice-State-Judiciary, and Labor-Health and Human Services-Education.

The energy and water development bill is provided for at the current rate of operations.

The foreign operations bill is provided for at the rate of operations of last year's appropriation bill, with certain exceptions.

As all of my colleagues know, and I have mentioned it a number of times before, as soon as any regular appropriation bill is signed into law it automatically disengages from coverage under this resolution. I have made numerous commitments to all of you that it is the intention of this committee to pass regular appropriation bills. The committee has indeed reported 12 of the 13 bills; only the foreign assistance bill has not been acted upon by the committee.

The Appropriations Committee has for a number of years stated its opposition to the use of a continuing resolution as the correct manner of funding Government activities. However, due to inaction by the other body, and often-times circumstances beyond our control, the use of this unique emergency funding device becomes necessary. No one in this House, the Senate or for that matter in the White House wishes to see the Government come to a halt this weekend. So it is in this spirit that we have prepared this resolution that generally provides funding

at restrictive levels until March 15, 1983.

With regard to title II, I would like to call to the attention of the Members the section which appears on page 33 of the resolution which directs the Secretary of the Treasury and the Secretary of Commerce, with the assistance of leaders from the business community, to study and report to the Congress on the appropriate means to deal with the critical situation facing American trade abroad. At the present time, American business is handicapped because of restrictive barriers to free trade imposed by foreign Governments, or more frequently from government-owned corporations. It is my firm belief that this situation must be reversed, we must open up new markets, and maintain a strong and favorable balance of payments.

The report which accompanies this resolution also points out the need for a cooperative spirit between Government and the business sector. In the past the Federal Government has come to the assistance of the Lockheed Corp., the Chrysler Corp., and the city of New York. During the dark days of the depression, the Government formed a Reconstruction Finance Corporation to deal with the problems of debt management, and the needs of businesses to get their financing straightened out. The committee strongly recommends that the appropriate committees of the Congress review the past success we have had and report needed legislative cures.

At this time I would like to recommend to all my colleagues that they examine the details of title II of this resolution dealing with the necessity of protecting the real wealth of the Nation. We have all read story after story, and the Appropriations Committee has heard thousands of hours of testimony from witnesses who have pointed up the absolute necessity to begin again to rebuild our country's roads and bridges, our waterways and harbors, our rural and city sewer systems, our decaying inner cities as well as our neglected small city business districts. The needs are everywhere, just open your eyes and see how bad the situation is. We have an obligation to our children to protect and develop our Nation's resources—we must not forget our responsibility. This approach will create new productive jobs, put people back to work through the private sector and reduce our intolerably high rate of unemployment.

I am glad to have the attention of the Members that it is time we realize first and foremost that our best national defense is to have a strong economy, and conditions are such that we had better get busy now. That is why I hope the Members will support us.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, this continuing resolution is made up of two very different creatures:

A stop-gap funding measure; and

A jobs bill that is one of the biggest grab-bags of Christmas presents this Chamber has ever seen.

In the face of the November elections and unemployment reaching unprecedented levels since the Great Depression, we came back for this lame-duck session with a number of efforts to put our people back to work.

One effort is the bipartisan \$5 billion highway jobs bill that we worked on and passed over here, and which I voted for. We did our jobs, and now the Senators are working the bill over—and over. That bill will create some 300,000 jobs.

The other was an effort by the Joint Economic Committee to put together a second jobs bill under the able leadership of its chairman, the gentleman from Wisconsin (Mr. REUSS) whom we will all miss, himself a distinguished economist. I understand there were hearings with John Kenneth Galbraith, Walter Heller, former Labor Secretaries Ray Marshall and Willard Wirts, Federal Reserve Chairman Paul Volcker and others.

Mr. Chairman, something happened to the Reuss proposal, the one that would have reduced deficits by \$0.5 billion the first year, rising to \$7 billion the third year, on the way to the forum. The long-awaited, eagerly anticipated jobs bill you have before you is not the one drafted with the aid of renowned economists or former Labor Secretaries. As I said in full committee last Friday, the jobs proposal you have before you was drafted with a magnet. Every program with a nut or bolt within 5 miles has been drawn into this bill. The road to economic recovery in this proposal is in the tracks of a bulldozer. We passed a \$5 billion highway bill the other day, and we have \$250 million more in highway funds in this bill. There is no rhyme nor reason. We do not even know whether the States can afford to match the additional \$250 million in highway funds, let alone use it.

This is not a carefully planned bill—it is a Christmas tree. Excepting defense, the nine biggest appropriations subcommittees have gotten their plums in this proposal, and the branches of the poor Christmas tree are breaking.

There is \$50 million in here for a program called the "SBA national resources development grants." I have served on the Small Business Committee for 24 years, and I have never heard of that program. Do you know what it is supposed to do? Provide tree-planting services. Christmas trees, I am sure.

Our auto industry is in trouble. No problem, we will put in \$100 million for the Government to buy cars,

whether it needs them or not. We'll buy 15,000 cars. And with the \$100 million, create 2,000 jobs, at a cost of \$50,000 per job. Mr. Chairman, this is a replay of the surplus milk situation. Right now we have warehouses overflowing with surplus milk and cheese. With this bill, we will have garages overflowing with surplus cars.

These programs are fantasies.

But things really take a serious turn when you look at the energy and water section. That is where you really see the plums. Plums like an additional \$145 million on top of the \$236 million increase in Corps of Engineers funding already in the regular energy and water bill. That additional money will speed construction of projects like the Red River waterway, a \$1.7 billion barge canal on one of the most silt-laden and unstable watercourses in the country, a project faulted by both the GAO and the Army Auditing Agency, a project that duplicates rail service already in existence.

And if you look at the corps' \$65 million in operation funds, you will see it is going for projects that include the Tennessee Tombigee, a project you may have thought you would have a separate vote on today.

If you look ever further, beyond the report, buried in the bill under the heading "other productive activities," you will find a section providing as follows: "appropriations for the Yatesville Lake construction project shall be made available for obligation in the amount designated for that project in title II of H.R. 7145." That is an \$8 million earmark, as far as I can determine, for a project that would have reduced the \$200 million damage from the twin 1977-78 flood of the Big Sandy River by \$5,000, that would have reduced the worst flood in history by 2.5 inches, and that, according to the Corps of Engineers will operate in the red for its entire 100 year economic life as a recreational facility. The total cost for that project, by the way is estimated at \$200 million.

In case you are wondering how many jobs per dollar you are creating, take a look at Bureau of Reclamation operation and maintenance, where you will be spending \$21 million to create 434 jobs—a cost of \$49,000 per job. At \$49,000 a job, the next thing you know, those 434 workers will think they work for the House of Representatives.

In case you are wondering what kind of jobs you will be funding, let me point you to page 46 of the report, which states that flood control funds will be used for "increasing the stockpile of materials for revetment work, which would include the ordering of additional reinforcement and other materials." For any unemployed stock clerk out there, take heart. This jobs bill is coming to the rescue.

Or look a little further down on page 46, where Bureau of Reclamation funds will be used for archeological studies and boundary fencing. Another major step in the rebuilding of America.

Somewhere on the way to the forum, this jobs bill got hijacked and soaked in a pork barrel—a pork barrel that could not make it through the regular funding process, I might add.

And in case you are taken by the notion that this bill is meant to create jobs to help the immediate problem of our 10.8 percent unemployment rate, look closely at the bill language. Take the \$489 million for military housing construction money, for instance. That money is to remain available for obligation through September 30, 1987—5 years from now. By supporting title II of this bill, you will be getting a foot up on unemployment all right, unemployment in 1987. And that pattern is repeated through the bill: \$500 million in transportation programs—to remain available until expended; \$1 billion in community development block grant money—to remain available until September 30, 1985; \$20 million for construction in the Forest Service—to remain available until expended; \$200 million for rural water and waste disposal grants—to remain available until expended; \$100 million for watershed and flood prevention operations—to remain available until expended.

Do not let yourself be kidded. These programs are not designed to prime the pump to get us out of our current crisis. These programs are not designed to put people to work today. They are not even necessarily designed to put people to work tomorrow. These are programs that will put people to work whenever the agencies get around to spending it, whether the pump needs priming or not, and that may be years from now.

This bill is being used as a vehicle, a vehicle to provide extra funds to a number of programs that could not get those funds any other way, and a vehicle to provide funds for a lot of projects that never would get funded any other way. What is more, it is doing it by using the guise of jobs creation as a free pass, free from the scrutiny of hearings, free from the scrutiny of individual examination and authorization, and free from scrutiny as to cost effectiveness. This bill is a grab bag, pure and simple.

Mr. Chairman, when I finally saw this eagerly anticipated jobs bill, and took a look at the proposal list of \$5.6 billion in appropriations and \$1.1 billion in other obligations, I could not believe my eyes. I said to myself we owe the American people a lot more than this. The problems of unemployment and business bankruptcies are far too serious to insult the people with this grab bag of goodies. We are

throwing money around in this proposal like it was going out of style. But just throwing money around will not make sure this \$6.7 billion is used wisely to put as many people to work as possible, and until we can be sure, I think it would be very wise to refrain.

Mr. Chairman, as much as any person in this room, I am in favor of jobs, and I am in favor of responsible action to assist those most in need at this time of 10.8 percent unemployment.

But we will not do anyone a favor by enacting this bill in its current form, including ourselves.

For that reason, at the proper time, I intend to offer a motion to recommit with instructions, the purpose of which will be to strike title II. We will do far better to pass a clean continuing resolution than to go forward with title II as it is now.

I urge you to support that motion.

After 2 weeks behind closed doors, the majority leadership offers those 12 million Americans a three point program:

First, borrow \$5.4 billion,

Second, buy a barrel of ripe pork, and

Third, hang it out as veto bait.

This is not a jobs bill, but the opening shot in the 1984 election. Those 12 million unemployed deserve something better. Title II should be stricken, and I will offer a motion to recommit to do just that.

The House has had its chance, and failed, and we should let the Senate start with a clean slate.

□ 1300

Mr. WHITTEN. Mr. Chairman, I yield 7 minutes to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, when the 1983 HUD-Independent Agencies appropriation bill was signed into law on September 30—we had deferred action on four accounts that comprised the principal thrust of the subsidized housing programs. We did that because we wanted to give the authorization committee as much an opportunity as possible to produce a 1983 housing bill.

It now appears very unlikely that such a bill will be signed into law, and both the committee and the HUD Appropriations Subcommittee felt that it had to provide some funds for subsidized housing in this fiscal year.

As the report indicates, the HUD Subcommittee had \$9.7 billion of unused section 302 budget authority remaining under its allocation. We reserved that authority for subsidized housing. Also, at the time the bill was signed by the President and at the time it was before the House for consideration, I made an agreement with the gentleman from Massachusetts (Mr. CONTE) that we would not exceed the section 302(b) allocation.

We have kept that agreement. On page 5 of the report, there is a table which explains the subcommittee's recommendation on how to make use of the \$9.7 billion. Major thrusts in 1983 include: 10,700 units of new public housing construction; 1,000 units of Indian housing construction; 10,000 units of section 202 housing for the elderly construction; 47,270 units of section 8 existing housing; 15,000 units of section 8 moderate rehabilitation; and 60,000 units of section 8 authority that will be allocated for conversion of units from the rent supplement program.

In addition, we have also provided \$2.5 billion for the public housing modernization program and \$500 million for the Ginnie Mae tandem program. The committee has recommended splitting the \$500 million tandem money—with \$350 million to be allocated to the targeted tandem program, and \$150 million to be allocated to what are known as section 8 partially assisted projects—20 percenters. In the case of the targeted tandem funds, the projects are to be allotted by the Department on the basis of a firm commitment date, and in the case of the section 8 partially assisted program, projects are to be allotted on the basis of some type of random lottery.

The committee has also included language, which is described in considerable detail on pages 8, 9, and 10 of the report, dealing with the Veterans' Administration's medical computer system.

Without getting into too much detail, what we are trying to do through this language is to get the VA off the dime. We want the Veterans' Administration to begin to install a workable computer system in the 172 hospitals—one that can schedule patients—that can do lab work—that can do pharmacy prescriptions, et cetera.

The fact is that the VA has been studying and restudying for the past 3 or 4 years whether it is best to go with a centralized computer system or a decentralized computer system. Meanwhile, the VA hospital system is far behind the private sector in the use of computers. I think this language will help solve that problem and get the VA moving in the right direction.

In title II of this resolution, the HUD Subcommittee has included four items. It is my belief that the so-called jobs bill which is included in title II is absolutely essential at this time. We have been talking around and around about when this recession is going to come to an end. The fact is that it has not come to an end. We are looking at an unemployment rate of 10.8 percent—the highest in over 40 years. The time has come to stop talking about the 12 million Americans that do not have a job—the time has come to start doing something about it.

This \$5.4 billion is not extravagant. We just voted \$230 billion for 1 year of defense spending. In fact, it is carried in this very same resolution. I should think that the Members here could find it in their hearts to provide \$5 billion to help put 600,000 Americans back to work. That is what this money will do—and we have chosen those kinds of programs that will put them to work in the shortest time possible.

Now as I said a few minutes ago, the HUD subcommittee has four items in the jobs bill. Let me review them for you.

We have provided an extra \$50 million on top of the \$72 million carried in the 1983 budget for maintenance and repair projects at VA hospitals. This type of work is handled at the local level for the smaller types of construction projects—usually running anywhere from \$50,000 to \$400,000. It is capable of generating jobs in a very short time, and it will be extremely helpful to hospitals to get these smaller construction projects underway. Very often, in the budget crunch each year, it is the maintenance line item that gets either cut or severely restricted. This small amount of extra funding is just the kind of thing that meets the ticket for the VA and creates jobs.

We have also added an additional \$200 million on top of the \$2.5 billion provided in title I for public housing modernization. This additional \$200 million, as the report suggests, is targeted at those kinds of projects which lend themselves to creating jobs for the less skilled workers, where as we all know, the unemployment rate is among the highest. Also, it is expected that the \$200 million can be used to put people to work about as fast as any activity in this title.

We have included \$1 billion for additional jobs under the community development block grant program. It is anticipated that this will create about 65,000 jobs—and in that connection, I might point out that the CDBG program produces jobs at one of the lowest cost per job rates of any program we have here before us. The cost per job is roughly \$15,000. That is relatively low and because the report directs that the funds be used for light construction work, it is expected that these funds can be put to work very quickly. We did not include any funding within the \$1 billion for the small-city portion of the community block grant program. The entire \$1 billion is allocated to the metro or large-city allocation—and the report suggests why we did that.

Finally, Mr. Chairman, we have included \$50 million for a new program to help private charitable organizations feed and provide shelter for the very needy and unemployed. What we have done is to appropriate the money to the Federal Emergency Manage-

ment Agency—which will be responsible for auditing the funds—and directed FEMA to transfer the money to the United Way of America. The United Way will constitute a board of directors that will allocate the funds as soon as possible. I would be the first to admit that we are chartering some new ground here—and we may have to make some minor adjustments in this approach. But I do believe that if any of you have watched television during the Thanksgiving season you cannot help but come away with the feeling that the private agencies are doing a good job of setting up soup kitchens and trying to feed people who have just plain run out of money—or who do not have a place to sleep.

We have been told that these private agencies are under tremendous pressure and are strapped for resources. It is hoped that this effort will provide the kind of one-time emergency shot in the arm to get hot meals and some decent shelter for an increasing number of Americans that simply cannot afford it.

I know some of you might ask the question "Isn't that what food stamps are for?" The answer is that there are literally hundreds of thousands of Americans that slip through the cracks in connection with the food stamp program. Very often these people do not have kitchens—or they have nowhere they can really call home—and therefore, they really do not have cooking facilities. That is the group we are targeting, and regrettably, that group is getting larger each day. That is who this program is designed to help and I would hope that we would give it a chance.

□ 1315

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

Mr. BOLAND. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I wish to engage the distinguished chairman of the Appropriations Subcommittee on HUD-Independent Agencies, Mr. BOLAND, in a colloquy concerning the emergency food and shelter amendment to the continuing resolution. It is my understanding the committee intends that the determination of how the money can best be used should be made on a local level. In many communities, there is a need for rehabilitation of structures to be utilized as emergency shelters. Is it the understanding of the gentleman from Massachusetts (Mr. BOLAND) that the local boards could distribute this money for rehabilitation of existing structures which could then be used as a temporary emergency shelter?

Mr. BOLAND. The gentleman from Minnesota is correct. If the local board determines that this is an appropriate use of these funds, there is nothing in the legislation which would preclude

rehabilitation of existing structures for use as temporary emergency shelters.

Mr. VENTO. I understand that there is nothing in this legislation which requires nonprofit organizations receiving these funds to match the Federal money with private contributions. However, it is the nature of nonprofit agencies which have been providing emergency food and shelter, that they are likely to have been receiving monetary gifts and in-kind contributions of material and labor.

I wish to confirm with the distinguished chairman that it is not his intention that these funds should replace existing fundraising efforts or inhibit nonprofit agencies receiving these funds from soliciting other voluntary monetary or in-kind contributions.

Mr. BOLAND. The gentleman is again correct. The committee report specifically states that the resources of private voluntary organizations are insufficient to serve the growing number of needy individuals. These funds are intended to augment the current efforts of nonprofit agencies. It is not the intent of this legislation to restrict the ability of these organizations to raise other funds or solicit in-kind contributions.

Mr. VENTO. I thank the gentleman.

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

Mr. BOLAND. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I would like to engage the chairman of the HUD-Independent Agencies Subcommittee, the gentleman from Massachusetts (Mr. BOLAND), in a brief colloquy regarding the community development block grant program.

The joint resolution currently under consideration includes \$1 billion in title II for community development grants in fiscal year 1983. The funds are to create approximately 65,000 jobs in the light construction industry. Bill language limits these funds to metropolitan cities and urban counties. The report accompanying this joint resolution states that the committee has taken this action because it believes these funds should be expended as soon as possible. Smaller localities were excluded because of an unobligated balance of approximately \$300 million in the community development grant program at the end of fiscal year 1982. Thus, none of the \$1 billion for community development grants can be used in small localities even when there may be a high unemployment rate.

Mr. Chairman, this action causes a great deal of concern on the part of Members who represent smaller localities. Can the gentleman from Massachusetts tell me why there was such a

large unobligated balance at the end of fiscal year 1982?

Mr. BOLAND. I certainly understand the gentleman's concern, I asked the Department why there was an unobligated balance of nearly \$300 million in the small-cities portion of the community development grant program at the end of fiscal year 1982. The Department indicated that the unobligated balances were primarily caused by the need to issue new regulations for the small-cities program pursuant to the 1981 authorization act.

First, the Department issued revised regulations regarding the State-administered program. These regulations were not made final until April 8. Second, and this accounts for the largest amount of the unobligated balance, final regulations on the HUD-administered part of the program were not issued until August 16.

Mr. Bollinger, the Assistant Secretary for Community Planning and Development, has assured the subcommittee that these unobligated funds for small cities are out or will be out in a couple of months. He also has assured the subcommittee that this problem should not happen again. Let me assure the gentleman that we will follow up during the hearings on the 1984 budget to make sure the Department continues to obligate in a timely manner the small-cities portion of the community development grants program.

Mr. WATKINS. I thank the gentleman for his assurances that he will continue to exert his leadership in seeing that the small cities set-aside is fully utilized. As you remember, we ran into a similar problem earlier this year when HUD failed to obligate the small communities portion of UDAG funds. Although UDAG funds are not in title II of this bill, will the subcommittee pursue both these problems and see that HUD lives up to the permanent authorization's requirements for these set-asides, except as provided in title II?

Mr. BOLAND. Yes; the subcommittee will pursue both of these problems.

Mr. CONTE. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Chairman, I would like to seek a point of clarification with Chairman NATCHER and Mr. CONTE, the ranking Republican on funding under the fiscal year 1983 continuing appropriations bill for the Job Training Partnership Act, section 181.

Mr. NATCHER. I would be happy to clarify your question on the funding for the Job Training Partnership Act contained in the continuing resolution before us today.

Mr. CONTE. I would be happy to respond as well.

Mr. JEFFORDS. Mr. Chairman, is it your understanding that funding for

the transition year under the new Job Training Partnership Act is provided in the fiscal year 1983 continuing resolution according to the provisions of the Comprehensive Employment and Training Act?

Mr. NATCHER. Yes; that is my understanding.

Mr. CONTE. That is also my interpretation of the continuing resolution.

Mr. JEFFORDS. It is also your understanding that the provisions for set-asides under CETA continue to apply, including those in title IV-A, youth programs during this 1-year transition into the new structure of the Job Training Partnership Act?

Mr. NATCHER. Yes; it is.

Mr. JEFFORDS. It is my understanding as ranking member on the House Employment Opportunities Subcommittee that set-asides under CETA, including the 22-percent set-aside for local education agencies, continue to be in effect under the continuing resolution. It is also my understanding that because dollars will be appropriated according to the titles and sections of the old CETA and will be allocated by the Department of Labor to the prime sponsors on that same basis, that funds will be used locally on a basis that corresponds to our appropriations. Is this also your understanding?

Mr. NATCHER. Yes; it is.

Mr. CONTE. That is also my understanding. Was that the intent of your committee?

Mr. JEFFORDS. Yes; it was our intent that because funds would be allocated by the Department of Labor onto the prime sponsors by title, that they would be spent locally on approximately the same basis, with some provision for flexibility. It has come to our attention, however, that in some cases section 181 of the new law—which allows for program consolidation in order to provide for an orderly transition year is being used to ignore the set-aside requirements under CETA.

Mr. CONTE. Could you give us an example of what is happening with funds provided under the continuing resolution?

Mr. JEFFORDS. Yes, I can. The situation in the San Francisco prime sponsor is a case in point. When the DOL sent out its first quarter's allocation, under the authority of the initial fiscal year 1983 continuing resolution, it was by title under CETA. The San Francisco prime sponsor received allocations under titles II, IV, and VII. When that prime sponsor's advisory council met in October it decided that it would consolidate all moneys received under those three titles into title VII. The school system was then informed that it would have to discontinue its youth employment projects funded under title IV-A of CETA because moneys for title IV and the 22-

percent set-aside had been consolidated into title VII and therefore discontinued.

Mr. Chairman, it was never the intent of the authorizing committee to relieve prime sponsors of their responsibility to meet the 22-percent set-aside requirements through program consolidation during the transition year.

Mr. CONTE. Is there indication that this difficulty is occurring in areas outside of the cities?

Mr. JEFFORDS. Yes; we are hearing about similar problems in areas such as Federal Way, Wash.; Irvine, Calif.; Des Moines, Iowa; McAllen, Tex.; Wolcott, N.Y.; and North Salem, N.Y. We are uncertain as to the extent of the problem and lack sufficient data to make a complete determination.

Mr. CONTE. I am concerned that if we wait until all data are available that the problem will be beyond remediation.

Mr. JEFFORDS. Mr. Chairman, we are sufficiently concerned about this problem that Chairman PERKINS, Mr. ERLENBORN, the ranking Republican, Chairman HAWKINS, and I are writing a letter to the Department of Labor clarifying our intent regarding the 22-percent set-aside under the continuing resolution for the transition year between CETA and the new structure under the Job Training Partnership Act. We are also asking DOL whether there have been guidelines issued concerning these set-aside provisions.

Mr. NATCHER. I hope this clarifies the issue. The new Job Training Act allows for strong and essential participation of the schools and is strongly supported by me. We did not anticipate nor do we support a weakening of this relationship during the transition year.

Mr. JEFFORDS. Thank you very much Mr. NATCHER and Mr. CONTE.

Let me turn now to title II of this continuing appropriations bill, the jobs title.

One might summarize the jobs portion of House Joint Resolution 631 as JOBS, a juicy opportunity for B.S. I am deeply disappointed with the provisions in the bill supposedly designed to create jobs with a rather large expenditure of money. I am also disappointed that the \$5.4 billion price tag will be added to the already astronomical Federal deficit, rather than transferred from the excessive defense budget and other sources of unnecessary but already authorized funding.

The jobs programs being proposed are being oversold as the total solution, or at least as substantial relief, to our Nation's unprecedented, post-depression high unemployment rates. This perception is misleading and creates expectations and hopes which will not be fulfilled. The real unemploy-

ment problems are being glossed over in favor of billion dollar programs which may satisfy laudable goals but do little to meet the real needs of the unemployed.

There are currently 12 million people out of work in the United States. The job programs in this bill are construction oriented, and yet the construction industry accounts for only 5.9 percent of the work force. Even if these programs are fully implemented, targeted to those who are unemployed and funded immediately, they will provide temporary help to a very small percent of our unemployed.

An analysis shows that very few jobs will be created relative to the money spent, and that this bill will have little impact on long-term employability in this country. A Congressional Budget Office report issued this month indicates that infrastructure improvement programs do next to nothing to bolster long-term employability. More than \$2 billion of the funding under this title is devoted to infrastructure improvement, including waste disposal, highways, transit, and rail projects.

Moreover, very little is done in the areas of most acute need such as jobs for women and youth. By way of illustration, unemployment among women who maintain families is presently running at 12.5 percent, versus 7.7 percent for male heads of households. With some 24 percent of our young people unemployed, the amount to be spent in that area is also dismally small.

However, it must be said that there are some portions of the jobs title which do merit consideration and funding. I hope that these items will be retained in conference with the Senate and not thrown out along with the unproductive aspects of the title.

In this category I would include funding for food distribution and emergency shelter; funding for day care services and home health services; the funding for urban parks and recreation, the National Park Service, the Forest Service, and the Fish and Wildlife Service, which will employ our youth in Conservation Corps-type projects; low-income energy weatherization funding; and funding for title III of the job training bill for dislocated workers. I also support the bill's funding for employment services, job search assistance and unemployment claims staff, which are trust fund items and therefore do not contribute to the cost of the bill. Unfortunately, these worthwhile features of title II comprise only 14.5 percent of the title's total funding.

What should we be doing with the remaining 85.5 percent? Our first efforts should be directed at alleviating the immediate concerns of the unemployed whose benefits have expired, by providing alternative resources to cover basic living costs such as health

care, nutrition, and mortgage payments and to prevent personal bankruptcies. There are precious few provisions in House Joint Resolution 631 for these purposes.

Our longer term efforts should be broadened to benefit women, youth, the long-term unemployed, and structurally unemployed. The emphasis should be on distressed areas with high levels of poverty and unemployment and low levels of capital investment. Only a very small portion of these groups are targeted under this legislation.

Each effort should contribute to the well-being of our economy. We should be examining our fiscal, monetary, and structural policies in order to develop a comprehensive response to our serious unemployment problems. In short, our approach cannot be a patchwork quilt, but rather must be a well-woven fabric of integrated policies. We are getting off to a bad start because we are taking the very limited or even nonexistent resources and putting them into programs that are labeled "jobs programs" but which, for all of their worthwhile goals, will do little for the serious problems facing the unemployed.

It also should be pointed out that throughout the jobs portion the words "to remain available until expended" appear. This obviously is an opportunity for these funds not to be expended at all, and will not require immediate attention to the critical areas described above ought to be funded.

Finally, my State of Vermont will not do well under the bill's allocation formula for the jobs programs. We will get nothing under section 1(A) of the allocation which distributes 80 percent of the available funds. Under section 2, which provides for the distribution of 5 percent of the available funds, we might get some money for the Springfield area and parts of the Northeast Kingdom.

Mr. Chairman, the unemployed deserve our attention. They deserve constructive, real means by which their problems and ultimately the problems of the Nation can be resolved. Unfortunately, House Joint Resolution 631 does not represent the evenhanded, bipartisan approach that is required. I regret this very much.

Finally, Mr. Chairman, I want to turn to the Fazio and Traxler amendments, and the issue of congressional pay hikes.

There is no good time to vote in favor of a congressional pay raise. The pay has been changed only 14 times since the United States came into being. During the period of high inflation, pay raises were turned down with the feeling that Members of Congress ought to feel the pains of inflation. Obviously at a time of recession, the question is raised as to how you can raise your salary when others are out

of work. For these and other reasons, I have continuously voted against pay increases since I have been in Congress. And if it were not for two very serious trends, I would do so again. In addition to voting against the pay raises, I have contributed the personal benefit to me of a pay raise to charity until such time as the people have had a say on the issue. I intend to continue this principle.

First, I will examine what has happened to the real value of congressional pay over recent years. I will also discuss the related issue of pay comparability with the judicial and executive branch, and the problems this has created. Second, I will review how many Members, especially Senators, have taken an alternate route of pay increases in receiving funds from special interest groups to alleviate this loss of real value. Next, I will indicate how Members are treated differently from all other groups with respect to being able to deduct their away-from-home expenses as a business expense. Finally, I will note the trend toward wealthy individuals being the ones that are staying in Congress, and a substantial outflow of good, middle-income Congressmen who are retiring because much better options are available to them outside of public service.

As was pointed out recently in a letter from Common Cause backing a pay increase, since 1969 Members of Congress have been running 125 percent behind inflation. This has been especially true since 1977; whereas Members of Congress have received only a 5.5-percent raise, the CPI has gone up 62 percent. Thus in 1969 dollars, the purchasing power of Members of Congress had declined from \$42,500 to \$25,800.

Traditionally, positions in the executive and judicial branches have been pegged to congressional salaries. Due to constitutional provisions and how pay increases have been handled technically under the law, judicial officers have moved ahead. Through history, members of the circuit court of appeals for the Federal judiciary have received the same salary as Members of Congress. However, these judges now receive \$74,000 a year. District court judges who traditionally have been paid less than Members of Congress, receive \$70,300 annually. As to the executive branch, increases in pay for department heads has been restricted by the congressional pay cap. This has caused a serious problem in finding qualified individuals in the executive branch who are not independently wealthy.

The special problem for Members of Congress is also included in the tax laws. You may remember that recently Congress tried to give itself a tax break. This occurred in a rather deviant manner in 1981. This overgenerous

tax break was later repealed. I voted for the repeal. Under ordinary tax laws, men involved in a business which requires them to be away from home are able to deduct their away-from-home expenses. In addition, most businesses fully reimburse employees required to have expenses away from home. Of course the amount of time a Member spends in his home district or in Washington varies depending upon many circumstances. In addition, a large number of Members of Congress and most Senators move their families to Washington. Because this presents inequitable circumstances, both favorable and unfavorable, the Congress in 1954 established a rule that the limit to such expenditures would be \$3,000. However, the regulations established by the Secretary of the Treasury with respect to the 1981 tax break did not set an overall annual limit, but rather allowed Congressmen various options. The net result was a huge tax break. A wiser approach would have been to merely adjust the \$3,000 limit for the CPI since it was originally established. This would have provided for an equitable circumstance of about one-half of that which the regulations allowed for. It should be pointed out that the regulations recommended for Congressmen by the Secretary of the Treasury are the same as applied to Federal employees and also to State legislators. They still do apply to these groups. Unfortunately, Congress in its attempt to end an inequitable circumstance overdid it by close to 100 percent and thus placed themselves back being treated very much differently than all other taxpayers. This reduction in the real dollar value of Members of Congress would be in addition to the figure given above.

What bothers me most is the way that Congress has tried to alleviate this situation by allowing Members to receive large payments for speeches. Although I have taken the position that the earning of outside income where conflicts of interest do not lie is a political matter to be fought out in campaigns, I take a strong position against the present honorarium system.

The Senate in particular has done very well under the system wherein up to \$2,000 may be received for a single speech because Senators have no overall ceiling. Whereas Members have fallen behind approximately \$17,000 from their statutory-derived salary, Senators have picked up at least an equal amount through honorariums. The average Senator, in 1981, received \$19,575. In addition, Senators have been able to pay out of their expense account money for traveling back to their home States. Since most Senators have moved their families to Washington, they do not have the dual residency situation. For instance, the most outstanding critic of the tax

break issue in the Senate not only received approximately \$20,000 in honorariums for speeches, but in addition charged his expenses while in his home State to his expense account. To me, it is a serious situation wherein a substantial share of Members of Congress receive direct payments from special interest groups. To me this is legalized bribery. There is no question but some reimbursement ought to be appropriate for traveling to make speeches, but the sum of \$2,000 is indefensible. It should be noted that these honorarium limits have crept up at about the same rate as the Congressmen's salaries have gone down. I believe this is a serious trend undermining public confidence in the Congress.

Members of the House have not been, on the whole, well rewarded by speech honorariums. The average Congressman sees only approximately \$5,000 a year from such speeches. In addition, most of the honorarium money goes to Members of the leadership and the three more powerful committees: Ways and Means, Budget, and Appropriations. The large majority of House Members receive \$3,000 or less.

Thus, House Members, as compared to Senators, are disadvantaged in three ways. First, many, if not most, have a dual residency situation and they are not able to get the benefit of the tax laws which are available to members of the business community and State legislators. Second, they are not able to pay out of their expense accounts for their expenses in their district in the same way Senators can. Third, they generally have not received the benefits of the honorarium pay-as-you-speak system, receiving on an average 15 percent or less than Senators.

What should be done? In recognition of the serious economic situation, I believe it is only proper that we move very carefully and slowly. I would recommend the following:

First, that we do not allow the situation to get any worse, and that we increase salaries only to the extent recommended for Federal employees, by 4 percent. That we commit ourselves to doing this inflation adjustment on an annual basis, provided, however, that no such increase shall take effect until after the next election.

Second, that we reduce the honorarium limits such that the amount received from any one organization will not exceed the sum of \$500, a reduction from the present \$2,000 limit. The normal tax bracket of a Congressman would reduce this to approximately \$250 as an actual benefit, and would not be sufficient to imply any substantial benefit, as compared to the time and effort connected with giving such a speech.

Third, that the allowable deduction for compensation for away from home expenses be allowed to rise to the equivalent in real money of what it would be if the \$3,000 limit were raised to an appropriate amount for the present year. In conjunction with this, those that have moved, in effect, their permanent residence to Washington should not be allowed to obtain reimbursement from their expense accounts for expenses within their districts or home States.

In conclusion, having already appeared on a nationally televised program advocating the above, and having received the response, almost all negative, I am well aware of the risk we are taking by making such moves at this time. However, I believe that this risk is much less than the risk of loss of public confidence when there is a full realization of how Members are supplementing their salaries through speeches to special interest groups, and the drain of nonwealthy Congressmen from the Congress, such that we may well become a club for the wealthy. For these and other reasons, a congressional pay raise of one kind or another has recently been advocated by the Washington Post, the New York Times, Common Cause, AFL-CIO, the Business Round Table, and others.

Because I desired to propose this option, and because I disliked most of the so-called JOBS portion, I voted against the rule, hoping for an opportunity for amendments. Unfortunately that will not be possible. Thus, I will vote to cut the raise from 27 percent to 15 percent, and otherwise guide myself by the principles set forth above.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Ohio (Mr. STANTON).

Mr. STANTON of Ohio. Mr. Chairman, I rise to bring to the attention of the membership one section of House Joint Resolution 631 that causes me significant concern.

I am referring to section 203, which indicates that the Board of Governors of the Federal Reserve and the Federal Open Market Committee "should take such actions as are necessary to achieve and maintain a level of interest rates low enough to generate significant economic growth and thereby reduce the current intolerable level of unemployment."

I find this section objectionable on several levels. First, procedurally, it is inappropriate for the Appropriations Committee, through the use of a continuing resolution, to send a signal to the Federal Reserve Board regarding monetary policy. The rules of the House specifically provide that monetary policy and the operating practices of the Federal Reserve are within the purview of the House Committee on

Banking, Finance and Urban Affairs. If the rule had not been crafted to waive all points of order, this section would clearly be subject to a procedural objection.

Second, section 203 misinterprets the power of the Federal Reserve. The resolution attributes to the Federal Reserve the absolute power to dictate interest rates. This is an oversimplified view. Interest is the price of credit, and that price is determined by both demand for and supply of money and credit. The Federal Reserve, however, determines only the supply side of this equation through the use of bank reserve requirements and open market operations. The demand factor is outside the control of the Federal Reserve. It is subject to inflationary expectations and fiscal policy. It is, therefore, unreasonable to hold the Federal Reserve wholly responsible for interest rate behavior.

Third, while I sympathize with the concerns the proponents of section 302 have to promote real economic growth and to reverse the unacceptable rise in unemployment, I fear that the language of this section neglects the problem of inflation and inflationary expectations. Recently, the traditional approaches to monetary policy have been invalidated by inflation and the inflationary expectations of the marketplace. Sustained easing of the Nation's money supply tends to raise, not lower, interest rates. The reason is twofold. Some investors fear a revival of inflation as a result of above-target expansion of the money supply. Others anticipate renewed tightening as the Federal Reserve attempts to bring the money supply back within the target range. In either case, interest rates go up.

Fourth, this section fails to mention the role of the growing Federal Budget deficit on interest rates.

Mr. Chairman, I am afraid that the inclusion of this language could precipitate the very thing it is trying to avoid; that is, higher interest rates. The psychology of the marketplace remains fragile, but rates have fallen significantly within the last few months. Today, the Federal Reserve discount rate stands at 8½ percent and the marketplace appears to be supportive of the current Federal Reserve approach to monetary policy. The language of this resolution could severely upset this psychology and could lead some lenders and market makers to anticipate a change in Federal Reserve policy and thereby create an increase in interest rates.

In view of these problems with section 203, I would hope that before this resolution is finally approved that the language of this section be deleted. As I have indicated, while the goals of this section are laudatory, its impact may lead to the very thing it seeks to avoid.

Mr. WHITTEN. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. BEVILL).

Mr. BEVILL. I thank the gentleman for yielding.

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

Mr. BEVILL. I yield to the gentleman from Louisiana.

Mrs. BOGGS. Mr. Chairman, earlier this year, the administration deleted from its original budget proposal some \$150 million which would otherwise be used to operate and maintain what it termed low or moderately used waterways. There was no funding alternative available for these facilities, and so our subcommittee, under the gentleman's direction, decided that we could not stand by and watch them close down. Our recommendation was to restore the necessary funding.

Unfortunately, of course, our bill did not have an opportunity to be scheduled on the floor.

Now, the continuing resolution states:

That no appropriation, fund or authority made available by this joint resolution or any other Act may be used directly or indirectly to significantly alter, modify, dismantle or otherwise change the normal operation and maintenance requirement for any civil works project . . .

Is it the intent of the House, in approving this language, to disapprove the administration's plan with regard to the operation and maintenance of the targeted projects?

Mr. BEVILL. Yes, the gentlewoman is right. This is what the committee intended.

Mrs. BOGGS. And is the funding contained within the resolution sufficient to carry these projects until such time as our bill is passed?

Mr. BEVILL. Yes, it is. These waterways and projects will not be closed.

Mrs. BOGGS. I thank the gentleman.

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

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

Mr. DONNELLY. Mr. Chairman, I am very concerned to see that there is no funding provided in this legislation for continued planning and engineering for the Town Brook flood control project of the Army Corps of Engineers.

Flooding in Quincy and Braintree, Mass., causes an estimated \$2.1 million worth of damage annually. The Army Corps of Engineers, after conducting a preliminary study, issued a report in September 1980, proposing construction of a flood control system with a total estimated cost of \$25.3 million. No further action has been taken pending direction from the Congress, and the destructive flooding continues in Quincy and Braintree, Mass.

In order to proceed to the next step in the Town Brook project, which is

continued planning and engineering, the corps requires \$600,000. No authorization is necessary to appropriate that funding. I request at this time, therefore, that the Corps of Engineers be directed to reprogram \$600,000 of available funds to continue the planning and engineering of the Town Brook project.

Mr. BEVILL. We will be glad to work with the gentleman on this reprogramming.

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

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

Mr. BEVILL. I yield to the gentleman from Hawaii.

Mr. AKAKA. With respect to the OTEC pilot plant project, would the gentleman agree that under the continuing resolution the Department of Energy has sufficient funding in fiscal year 1983 to proceed to the preliminary design stage and the selection of at least two of the cost-shared contracts for preliminary design?

Mr. BEVILL. The gentleman is correct. Report language to that effect was included in both the House and Senate reports in connection with the regular 1983 bill and we would expect the Department to proceed with funding at least at the level specified in the House report.

Mr. MYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

□ 1330

Mr. WYLIE. I thank the gentleman from Indiana for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Ohio (Mr. STANTON). Section 203 and the report language referring to that section cannot go unchallenged by us as members of the Committee on Banking. According to the rules of the House, monetary policy and operating practices of the Federal Reserve are subject to oversight by the Banking Committees of the House and Senate. As a member of the Banking Committee I do not want to be misunderstood on this issue. It would be best if recommendations on monetary policy were brought forth after the normal hearing process. And this would be the case were it not for the rule today. Section 203 could not be included in this resolution because it is not germane.

The gentleman from Ohio (Mr. STANTON) referred to the language in section 203 which says the Fed "should do whatever is necessary to achieve and maintain a level of interest rates," and then the language in the report refers to that section and directs the Fed to do something vis-à-vis interest rates.

Now, are we advising or directing? There is an ambiguity there.

The level of unemployment is certainly intolerable. But may I point out that the Fed discount rate was 12 percent a year ago. Yesterday it was lowered to 8½ percent. The annualized growth of monetary aggregates, M₁ and M₂, have averaged over 10 percent since August.

Mr. Chairman, the effects of a change in monetary policy are felt after a lag of usually 6 to 9 months. We are now seeing effects of changes in monetary and fiscal policy over the last year in increased housing starts, new car sales, and higher retail sales.

The point I want to make is it is one thing to use the Fed as a whipping boy for past failures of Congress on fiscal policy, it is another thing to do something constructive about it. And Lord knows over the years Congress has done a poor job on fiscal policy.

Congressional directives to lower interest rates are bound to lead to renewed fears of inflation and hence higher interest rates. It means we are blaming the Fed and not addressing the root cause of high interest rates which is the demand made on the capital markets by the Treasury in its efforts to finance the high budget deficits. I hope when this bill gets to conference section 203 is dropped.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. I thank the gentleman for yielding.

Mr. Chairman, the level of administrative funds provided for the Education Consolidation and Improvement Act was not adjusted when the fiscal 1982 supplemental of \$149 million was passed, and it appears at this time that this level of funds was not adjusted in the fiscal 1983 Labor-HHS bill either. This failure to adjust means that the State of Michigan will lose \$97,630 in fiscal 1983, and a total of \$194,720 when the lack of an adjustment for fiscal 1982 is included.

Mr. Chairman, you indicated in a floor colloquy with Mr. FAZIO that funds could be reprogrammed from evaluation and studies in order to compensate State administration, and the Senate has already provided for such a reprogramming in its bill. My question of the distinguished gentleman from Kentucky and chairman of the subcommittee on Labor-HEW is, Can you accept in conference the Senate reprogramming for ECIA?

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

Mr. TRAXLER. I yield to the gentleman from Kentucky.

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Chairman, I would like to say to the distinguished gentleman from Michigan (Mr. TRAXLER), who is a hard working, able member of our committee, that every consideration will be given to his request.

Mr. TRAXLER. I thank the gentleman for that.

Mr. WHITTEN. Mr. Chairman, I yield to the gentleman from Ohio (Mr. STOKES) for the purpose of a unanimous-consent request.

Mr. STOKES. Mr. Chairman, I ask unanimous consent to proceed on a matter out of order, and the time I consume not be charged against the time allotted under the rule.

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

There was no objection.

(By unanimous consent, Mr. STOKES was allowed to speak out of order.)

REPORT BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON ALLEGATIONS OF IMPROPER CONDUCT BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES

Mr. STOKES. Mr. Chairman, this past summer two former House pages declared on nationwide television that they had been victims of sexual misconduct by Members of the House of Representatives. These charges created a national sensation when they were made. On behalf of the Committee on Standards of Official Conduct, Mr. SPENCE, the ranking minority member of the committee, and I introduced a resolution to authorize a complete and thorough investigation of these allegations. The House promptly agreed to that resolution, and on July 27, 1982, the committee retained Joseph A. Califano, Jr., as independent special counsel to supervise the investigation.

The committee and its special counsel today completed their investigation of the charges made by the two former House pages. Mr. Chairman, I have filed the committee's report with the House today.

In a 132-page report, the special counsel found that there was "no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages." Since so much attention was given to the original charges, let me quote in full what the special counsel concluded:

The special counsel has found no support whatsoever for the sensational allegations and charges of homosexuality that launched this investigation. To the contrary, the evidence developed contradicts every one of the original highly publicized allegations made by the two former pages. Those allegations resulted either from out-and-out fabrication, over-active teenage imagination stimulated by conversations with a journalist, or teenage gossip which has in virtually every case proved to be utterly inaccurate.

I am pleased to be able to report these conclusions to the House and to the American people. But I must also report that the investigation is not yet completed. The special counsel is still investigating some matters. In one case involving a House employee, based on the special counsel's recom-

mendation, the committee has voted to open a preliminary inquiry.

In coordination with the Department of Justice and its drug enforcement administration. This committee and its special counsel have also been investigating allegations of illicit use and distribution of drugs by Members, officers, or employees of the House. Both the Department of Justice and the special counsel have a number of matters under active investigation. Based on the special counsel's recommendation, the committee has voted to open a preliminary inquiry in the case of a second House employee.

The committee has voted to transmit the evidence developed in all matters still under investigation to the 98th Congress with the recommendation that the investigation be completed as expeditiously as possible next year.

The investigation conducted by the committee and its special counsel of the charges made by the two former pages has been an expensive and difficult task. Attorneys and investigators on the special counsel's staff carefully examined and followed up hundreds of leads, allegations, and rumors. They interviewed more than 150 individuals, many more than once, and conducted more than 50 depositions presided over by a member of this committee. They have traveled some 40,000 miles to interview witnesses in 40 cities; 45 subpoenas have been issued; 31 to compel testimony, and 14 to compel production of documents. Agencies and individuals have responded to a variety of requests for materials and information the effort devoted to this investigation has been required to assure the American people that the House of Representatives has the institutional stamina to discharge its constitutional responsibility to investigate thoroughly allegations of wrongdoing involving its Members, officers, and employees.

But the fact that these widely publicized allegations have been found to be totally without foundation should give us all pause. In a special section of his interim report to the committee, the special counsel traced the origin of rumors about a "page scandal" and the events that led up to the national television exposure given to the irresponsible charges made by the two former pages. Healthy debate and honest criticism strengthens our democratic institutions. But widespread distribution of sensational rumors and charges that turn out to be totally false can create a corrosive distrust that serves no useful purpose.

This past summer the House—and individual Members of the House—endured a firestorm of slanderous publicity that cannot be justified and that was, in the final analysis, wholly undeserved. The press would do well to con-

sider how such episodes can be avoided in the future.

I want to assure the House and the American people that this committee will continue to do its part by investigating thoroughly and meticulously allegations of improper conduct by Members, officers, or employees of the House.

Mr. Chairman, at this time I yield to the distinguished ranking minority member of our committee, the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I concur in the views just expressed by the chairman. There has been no partisanship in the work the committee has carried out over the past few months. This committee was committed, from the outset, to conducting a diligent investigation of the sensational charges of sexual misconduct made by two former pages last summer. To assure that this investigation would be impartial and thorough, both in appearance and in fact, the committee retained independent outside counsel to supervise the investigation. The interim report of the special counsel demonstrates the thoroughness and care with which this investigation has been carried out. I am gratified by the conclusion the special counsel has reached, that there is "no merit whatsoever" to the charges originally made by the former pages. At the same time the bipartisan leadership of this committee remains committed to providing the special counsel with the resources necessary to pursue and investigate all matters that are still pending and to complete this investigation as promptly as possible in the next Congress.

Mr. MYERS. Mr. Chairman, I yield 4 minutes to a very valuable member of the Appropriations Committee, the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I rise to express my concern over that section of the bill previously alluded to by the two gentlemen from Ohio, the distinguished ranking minority member of the Committee on Banking and Currency (Mr. STANTON). He raised a very serious question about this bill, particularly as it relates to what the Congress would be telling the central bank of the United States, the Federal Reserve Board, that it must do.

Now, let me say parenthetically, Mr. Chairman, that I am not unsympathetic to the attempt by the Congress to play a role. I may disagree with my friend from Ohio somewhat on that issue. But I personally believe that under the Constitution of the United States the Congress has the responsibility to help establish a monetary policy that preserves and protects and promotes a stable currency, one that will maintain its value over a long period of time. A stable dollar is neces-

sary to give us lower interest rates and help this economic recovery.

But the gentleman from Ohio and my friend (Mr. WYLIE), brought up the point that if the Congress, through this bill, simply directs the Federal Reserve Board to target lower interest rates as a permanent policy, the results mentioned by the gentleman from Ohio (Mr. STANTON) would take place just as assuredly as the overall bill would destroy many jobs rather than create jobs.

The effect I am talking about is a resultant inflation that could very well wipe out many of the gains that have been made.

I am deeply concerned as to how the monetary policy in this country has been conducted. It has caused unnecessary unemployment, high interest rates, and falling prices. Let us not make the mistake of thinking, that if we go from one extreme, targeting the supply of money, to another extreme, targeting interest rates as we did from 1973 to 1979, that either one will work. We need a balanced approach, which is neither inflationary nor deflationary.

I think that a major lesson of the last several years is that targeting policy based on an arbitrary definition of the supply of money does not take into consideration what the gentleman from Ohio called the other side of the equation, the demand for money. When the Federal Reserve Board quotes a level of M_1 , or M_2 , or M_3 , it is reporting an equilibrium position at a given time. We do not know, nor can we know, the exact impacts of supply and demand in determining the quantity. We would be remiss therefore if we make policy based solely on these measures.

Let me say that I mentioned earlier I am not unsympathetic to the goals of the bill language because I think Congress has been woefully negligent in looking at monetary policy and it has caused a terrible situation in this country particularly in those industries sensitive to high interest rates—steel, autos, housing, agriculture, small business—all have been affected. Ultimately consumer lending rates have literally shut off the ability of the American people to purchase the goods and services that are so important to their standard of living.

□ 1345

Mr. KEMP. I wish Congress, and I just raise this as an issue because I know we cannot amend the bill, as we should, to take this out. I would hope that Congress would begin to look at monetary policy with an eye to the ultimate goal: Stable prices. We must establish policies which produce a stable currency. The Government must once again guarantee the American people that we are going to have stable purchasing power, stable prices, sound,

honest money, and an environment in which interest rates can come down. In establishing such a policy we can use interest rates and monetary aggregates as tools, not as targets.

It is desperately important that the Federal Reserve Board have a balanced monetary policy, one that looks at interest rates, monetary aggregates, the economy, more stable exchange rates, with a goal to giving us what we very much need, stable prices, honest money and low inflation.

Mr. Chairman, I must oppose this legislation. It is not a bill to create jobs. It is a bill to transfer and destroy jobs. It is unconscionable for us to be engaging in such short-sighted window dressing, when the basic steel, auto, agriculture industries, small business, and other sectors are so depressed. There is one answer to high unemployment and to our fiscal problem, and that is economic growth and recovery. A Hoover-style Reconstruction Finance Corporation is not the answer. Job-shuffles are not the answer. We must create incentives, protect the unemployed and disadvantaged, and reform monetary policy to get this economy moving again.

I thank the gentleman for the time.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. ALEXANDER), a member of the committee.

Mr. ALEXANDER. Mr. Chairman, a minute ago the gentleman from Massachusetts (Mr. CONTE) referred to title II of the bill which is now pending as a Christmas tree.

I would respond to the gentleman that in this current session of Congress, this is the last chance before Christmas that we have to address the problem that most concerns the Nation in this holiday season. I mean, of course, a worsening economic recession and the present near-depression levels of unemployment. It is a time of emergency and it is a time to act, and if we do not deal with it now in the form of a jobs proposal that is practical and doable and workable, I would be reminded of a famous political quotation delivered not long ago by our President when he asked, "If not us, who; and if not now, when?"

These will be recognized as Mr. Reagan's words when he addressed the situation which preexisted the present economic recession. Economic conditions are far worse now, of course, and the term "Reagan recession" had already become a part of our Nation's history. But the President's question remains, to haunt both him and us: Are we serious about providing jobs for our people? Are we serious about putting America back to work? Are we, indeed, serious about economic recovery?

If we are, then there is no better time than the present to pass a jobs

bill. I challenge the President and his party to join in supporting this recovery measure or to admit that he and they prefer rhetoric to solutions.

The very fact that a jobs bill is before us today shows the magnitude of our present economic disaster. We all know that more than 12 million Americans are jobless and that the Nation's unemployment rate has reached the highest level since the Great Depression itself.

We know that business failures are at the highest level since 1932 and that our Nation's factories are at 68.4 percent of capacity—the lowest level of operation since World War II.

And we know that 6.6 million Americans are barely getting by—or trying to—in part-time jobs because the full-time jobs they need are just not available.

The bill before us would benefit our people and it would benefit our institutions. It would put Americans to work repairing and restoring and renovating the roads and bridges of the Nation and the rest of the infrastructure which the private sector needs to stabilize and expand.

This bill provides new credit for small business and would fund entrepreneurial opportunities and job possibilities. It would help fund public-works projects—industrial parks, water and sewer systems, and transportation projects among them—that our community leaders tell us they need in order to attract new business and industry. And the bill provides for critically needed maintenance on public buildings and facilities.

Moreover, the bill will not involve us in a host of new regulations. For the most part, it operates within the framework of existing programs which by consensus have shown themselves to be workable.

I have characterized this bill as an emergency measure, and so it is. It is neither a panacea nor a pork barrel, nor is it tailor-made for any district in particular. I myself would have liked to see more attention to the needs of the Nation's rural communities and small towns and mid-sized cities—which make up so much of the American population and of my own district as well.

This bill is not perfect, but it is good for America as a whole. It is a starting point toward recovery—like the highway and public transportation bill passed last week and like the capital investment programs which the 98th Congress will take up.

We in Congress can start the process of bringing our economy back to full health. We count on the Federal Reserve to do its part by relaxing interest rates and thereby the fears and uncertainties which high rates have caused. And we count on the private sector to respond with new investments and job opportunities.

Under the circumstances, this bill carries an inexpensive price tag. Adding all its provisions together, it will cost less than a fourth of the \$25 to \$30 billion which just 1 percentage point of unemployment adds to the Federal deficit.

It is time to put aside partisan political arguments and debates about who is right and who is wrong in this or that abstract theory or economic doctrine. The abstruse questions do not concern us now so much as do the 18 million fully or partially unemployed people for whom full-time work would be synonymous with the economic recovery of this Nation.

The bill before us delivers on the promise that all of us, in both parties, have made to the American electorate in recent months—to get our economy moving again and to generate worthwhile jobs for American workers. I urge my colleagues to vote for this bill. The time is right for it, and we cannot with justice put off our duty.

Mr. MYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. CLINGER).

Mr. CLINGER. Mr. Chairman, I rise in strong opposition to title II of this bill. It is not a turkey. It is capon. To the extent that it relies upon public works as a countercyclical tool, it is impotent to do the job that it is designed to do.

As a former Chief Counsel of the Economic Development Administration, I probably have as much or more experience as anybody in this House in trying to use a public works program as a countercyclical tool. I will tell my colleagues, it just does not work. It will not work to solve the infrastructure problem, which is immense and growing, and it certainly is not going to work to solve the unemployment problem, which is also immense and growing.

In trying to couple these two together, I think we do a disservice. I think it is hypocritical to suggest that a quick-fix, hurry-up jobs program is in any way going to address the structural unemployment problem in this country.

The LPW program which I was involved in trying to administer 6 years ago was designed to try to resolve the recession of 1975-76. The money did not come on stream until 1977 and 1978. In fact, today we are still spending money out of that local public works program of 6 years ago. It may be helping to solve this year's recession, but it is not helping the recession that it was designed to help, which was 7 years ago.

Even if we address the problem and get the projects on stream in a reasonable time, I tell you that the cost per job is outrageous. The GAO has done a study that shows that in the local public works programs, the average cost per job was about \$65,000 per job.

That sure is not cost effective in my book.

There has been much discussion on this floor recently as to what direction our Nation should take to achieve the long sought after goal of economic recovery.

Helping the over 12 million Americans currently out of work must be a matter of the highest priority to this body. But by help I do not mean the type of short-term, make-work public works jobs programs that reportedly are being considered. We owe it to those of our citizens who cannot find work to create a stable and healthy economy so that the jobs they do find will be permanent jobs—jobs with a future.

This cannot be accomplished by a multibillion-dollar countercyclical boondoggle. It is the height of hypocrisy, in my opinion, to suggest that putting 400,000 or 600,000 or even a million people to work for 15 weeks or so is an answer to the unemployment of over 12 million. That is political cynicism at its worst. More than that it is bad economics, because it is very likely to fuel the inflation that we have struggled so hard to bring under control.

Experience with the local Public Works Act of 1976 shows us the flaws in this approach: The overall effect of programs of this type is relatively small. The impact of the program comes too late to have any meaningful effect and in fact has an adverse effect because of the inflationary pressure created. In the rush to use available grant money, projects of relatively low priority to the community are frequently funded. And the direct cost of each created job is outrageously high.

To quote from a study commissioned by EDA and prepared by Chase Econometrics on the 1976 LPW program:

Relative to the size of the affected industries and to their cyclical distress the LPW program was extremely small . . . the maximum level of impact of the LPW program occurred in mid-1978—about 6 quarters after the expenditures began . . . the pattern of construction expenditures financed under LPW funds differs from the normal expenditure in a manner which suggests that in many cases it is unlikely that LPW projects would have received local funding in the absence of the LPW program.

The program was supposed to help solve the recession of 1976. Instead it helped cause the inflation of 1978 and beyond because the money never came on stream until the recession was over.

The same study estimated just under \$95,000 as the cost per person of direct LPW employment in the construction industry. Another study prepared for the Office of Management and Budget (OMB) also finds public works a relatively high cost method of creating jobs—from \$69,320 for each job created, assuming no substitution for existing employment, to as much as

\$198,059 per job with 65 percent substitution. Because of that high cost, so-called countercyclical programs will not help our economy.

One valuable lesson that this Nation has recently learned is that deficit spending does have consequences—it boosts interest rates and drives the private sector out of the credit market. The cost of financing a public works jobs program will only further exacerbate our economic problems. To do this under the guise of helping the unemployed is unconscionable. It will solve neither the unemployment problem nor the infrastructure crisis.

What we need instead is a program that combines a responsible monetary policy with a strong infrastructure system on which a healthy economy can grow.

Results of the President's efforts to stop runaway Government spending are finally beginning to convince the wary business community that a real change in policy has occurred. The process is slow and painful but economic indicators are now showing an improvement in the overall state of our economy.

As far as the infrastructure base is concerned, we are in trouble.

Such basic public facilities as roads, bridges, sewers, rails, and mass transit systems, are in deplorable condition. A cover story in *Newsweek* states that—

Today, one-quarter of the Interstate Highway System is worn out and needs resurfacing. One-half of Conrail's rails and roadbeds are seriously decayed. Half of all American communities cannot expand because their water-treatment systems are at or near capacity. One fifth of the Nation's bridges are so dangerously deficient they are either restricted or closed.

Working in conjunction with the private sector and the local community, the Federal Government has a major role to play in the rebuilding of these important public facilities. But in order to achieve maximum effectiveness, the participation of the Federal Government must be based on a rational approach fortified with sufficient information on the existing infrastructure.

Therefore, as a key element of the program for economic development, I would propose that an inventory and assessment be made of the Nation's public facilities and that a breakdown and projection of capital investment expenditures be included in Special Analysis D of the Unified Budget.

H.R. 6591, a bipartisan initiative to institute this form of capital budgeting, was the subject of 4 days of hearings before the Subcommittee on Economic Development on which I serve as ranking minority member.

Expert witnesses from all levels of Government and the business community enthusiastically supported this concept, which has been cosponsored by over 50 Members representing the

full spectrum of political, philosophic, and geographic areas.

I have been assured by the chairman of the Public Works Committee, the gentleman from New Jersey, that he "will work toward placing a Federal capital investment budget bill on the top of the House Public Works Committee's agenda in the 98th Congress." It is essential that we know the scope of the problem before we can devise an effective strategy to solve it. H.R. 6591 will supply the necessary information.

The rebuilding of our Nation's infrastructure must take place at both the national and local levels. The Federal Government simply can no longer afford to bear the lion's share of the escalating burden.

According to Ray Barnhart, Administrator of the Federal Highway Administration, our Nation's highway system "constitutes a large part of living costs. If we have poor highways, those costs will increase. Ninety percent of everything we eat, wear or use travels by highways." If our Nation's overall economy is to survive and grow, a healthy Interstate Highway System is essential.

The recently passed House surface transportation bill, H.R. 6211, goes a long way toward strengthening this essential element of this Nation's infrastructure, and Members of the House are to be congratulated on the passage of this important legislation.

While the need for an adequate interstate transportation system is great, so also is the need of the community for other vital infrastructure necessary to support industry. We have learned over the years that certain elements must be present in order for economic development to occur. These are: The availability of developable land and space; public works, public service, and development facilities; the availability of low-cost capital; favorable tax policy on investment in the area; adequate labor force; and the ability of the State and local government to assist in development.

H.R. 6100, the National Development Investment Act, which passed the House by a substantial margin, recognizes these factors and addresses the need for the community to develop a strategy by which those elements that are lacking can be developed. This bipartisan measure carries the relatively small price tag of \$500 million, and is designed to offer communities which can develop a strategy for economic development with 50-percent matching grants for building of the necessary facilities to attract and support private investment. The emphasis of this program, to be administered by the Department of Commerce, which has demonstrated expertise in this area, is on private sector involvement in the economic development process. It recognizes that without this involvement no meaningful economic recovery

can take place. The key to recovery lies in long term, private sector jobs rather than temporary federally subsidized ones. And Federal resources should be dedicated to stimulating this kind of long-term growth rather than wasted on quick fix gimmicks that in the end only make things worse.

Currently this legislation awaits the call to conference by the Senate. While in these waning days of this session, the possibility of that conference occurring is slight, I am encouraged by my colleagues in the other body that next session will bring further dialog and more thorough consideration of this valuable component to a national economic recovery program.

The final element of the package that I would offer is the speedy consideration of the President's enterprise zone legislation. The community which lacks the economic and physical base to support industry must be reached by an effective economic development program. The enterprise zone concept is a highly targeted method of providing the distressed community with the type of assistance that will enable it to attract private investment and move in the direction of self-sufficiency. Working in conjunction with the National Development Investment Act, enterprise zone legislation would benefit the most highly distressed areas of the Nation, both rural and urban, and is a necessary component to meaningful national economic development.

We must face the realization that public works jobs programs simply do not work. We must reject the arguments that will be made to return us to the folly of the Federal Government buying jobs for our unemployed. To quote an editorial from the *New York Times*:

Nothing would be more hollow than to lunge for a quick jobs package that produces little new employment, and more inflation.

The rebuilding of America's infrastructure combined with a responsible Federal spending policy will in turn generate the meaningful employment opportunities we are all seeking. That approach will build the necessary economic base on which industry will not only survive, but will, in fact, flourish.

I urge my colleagues today to support the sound economic concepts I have outlined as the cornerstone in our efforts to rebuild America's economic base, and vote for the gentleman from Massachusetts motion to recommit.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Chairman, I was very pleased to note the commit-

tee has recognized the very substantial need for financing public housing modernization. Not only has it included \$2.5 billion in title I of this joint resolution for this purpose, \$200 million has also been included in title II. The report underscores the great urgency for such funds at large housing authorities like St. Louis whose allocations have been weighted toward new construction.

Unfortunately, public housing in St. Louis has become synonymous with Pruitt-Igoe, the greatest failure the Government has experienced in the housing field. Rather than learning a lesson from that failure, however, we are rapidly heading in the direction of creating more and more Pruitt-Igoes in older, larger cities throughout the country. An investment of countless billions of dollars would be lost and thousands of Americans would be left without homes the Government could never afford to replace.

Recognizing the importance of restoring distressed public housing, several years ago the St. Louis Housing Authority developed a comprehensive modernization plan for rehabilitating its largest projects into suitable homes for their residents. Substantial improvements have already been achieved. One project has been restored. At a second, if work can be completed, by 1984, 50 percent more units will be available for occupancy at a savings of \$24,000 in utility costs.

The authority, however, has been frustrated in its efforts to complete this program by the inadequacy of its modernization allocation. At the same time, it has \$8.5 million in development funds that cannot be committed. It is my understanding that the situation in St. Louis is the type that would be addressed by the \$2.5 billion modernization allocation included in this joint resolution. So I would ask the gentleman if he agrees that housing authorities with urgent modernization needs and fully developed programs for addressing them, while facing recapture of development moneys that cannot be used, should be given preference in the allocation of the modernization appropriation?

Mr. BOLAND. The gentleman is correct. I am aware of the situation in St. Louis, where the housing authority has placed a high priority on modernization and has demonstrated its ability to make immediate use of modernization money. I strongly urge the Department to make available sufficient money to those public housing authorities, like St. Louis, which are facing recapture of development money and have plans for modernizing existing projects. A large project like Darst Webbe should be completely restored so that low-income families can have decent housing.

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

Mr. BOLAND. I yield to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, in my State of California the United Way has been very helpful in providing funds for domestic violence shelters. As I understand the section on food distribution and emergency shelters it is not the subcommittee's intention to preclude the use of these funds for shelters for domestic violence. Is this a correct reading of this section?

Mr. BOLAND. Yes, it is not the subcommittee's intention to preclude the use of these funds for shelters for victims of domestic violence.

Mr. STARK. Mr. Chairman, I thank the gentleman.

Mr. MYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. O'BRIEN), a member of the Appropriations Committee.

Mr. O'BRIEN. Mr. Chairman, like the gentleman from Massachusetts (Mr. CONTE), I, too, object to title II.

I yield to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I rise in opposition to title II of this piece of legislation, in view of the fact that it is going to cause additional impact on our national debt and the raising of inflation.

Mr. Chairman, this body is under the deadly delusion that it can create economic prosperity and wealth out of thin air: or at least off the printing press. House Joint Resolution 631 contains a provision for a massive \$5 billion public works program designed to resolve the crisis of high unemployment. In other words, the overspending and deficit financing that helped us get into our present economic straits will not get us out. George Orwell would be very proud of this example of "new think."

Mr. Speaker, we are being asked to vote on another program of dubious merit and definite high cost, with very little consideration being given to just what benefit this will have for the serious long-term problems we have in the economy. Supporters of the program will argue that long-term solutions are not sought in this bill. I can certainly agree. But, if this bill seeks short-term solutions to the unemployment problem then I should point out two salient points: First, at \$5 billion price tag, we are going to buy very few jobs at a very high price, and second, the cost of this short-term solution will exacerbate old problems and create new ones that will, in time "come home to roost."

Before this body votes on this ill-conceived and ill-advised move, I think we should ask ourselves just what effect it will have on the economy.

Certainly, a few jobs will be created, if, the jobs outlined are actually there, if the programs can be set up in a timely manner, and if, the administration of the funds made available ap-

proaches an Olympian efficiency, then and only then, this highly touted jobs program will reduce the current unemployment by 5 percent, at best. What happens to the other 95 percent of the unemployed is anybody's guess. At the going rate outlined in this bill, the cost to eliminate unemployment and put everyone out of work on the Federal payroll is a mere \$100 billion. Why, we pay more than that today just in interest payments on the national debt. And that is exactly the point. The committee, in its justification for this make-work program, cites the high unemployment, the high rate of business failure, the loss of corporate profit, and the continued high level of interest rates. That, fellow Members, is the core to our economic ailments. We posted a record Federal deficit last year and seem to be on our way to doing the same this next year. And yet, the committee's response seems to be, "let's spend more." Has anybody asked themselves what \$5 billion will do to the Federal deficit? Has anybody asked what that increase in the deficit will do to the private borrowing market, the lifeblood of business, and source of employment? I will tell you what it will do. It will increase the demands of an already overcrowded market, add even more fuel to the gargantuan appetites of the Federal Government, pushing interest rates even higher, killing off more businesses, putting more people out of work.

It is estimated that in fiscal year 1982, the Federal Government's total borrowing as a percentage of net national savings reached 99.5 percent. What does that say about the ability of business to create jobs? What does that say about the potential for economic recovery if this body is going to insist on following the spending policies that put us in the situation we are facing?

We cannot, in good faith, turn our back on the little progress we have made for reducing the stranglehold this Government has on economic expansion and prosperity. We cannot, in good faith, tell the businesses of the United States, that this Government, which consumes 99.5 percent of national savings, that we want the last drop from the bucket. I urge my colleagues to oppose title II of this bill, and if it should remain part of the bill, then to oppose the bill.

Mr. O'BRIEN. Mr. Chairman, title II is captioned "Meeting Our Economic Problems."

Whether you characterize this bird as a turkey or a capon means little or nothing. It is the stuffing that is distasteful. I support the remarks of the gentleman from Massachusetts (Mr. CONTE). In addition, I find another peculiarity that troubles me. There are two copies of the report around, probably a flaw in the printing. The copy

that I have indicates what moneys go to what projects. Title II in this respect is considerably flawed. As article II starts out, it points to the State of Michigan with a 17.2-percent unemployment rate, and the report discloses that the city of Flint, Mich., suffers under a 17.5-unemployment rate.

Let me also direct your attention to Ohio. Ohio has a statewide 12.5-unemployment rate, with Youngstown-Warren having a brutal 18.7-percent rate.

Now take a look at Texas. Texas has an 8-percent unemployment rate. Now add up how much of the \$1.1 billion is spread around where truly needed. There is 2.6 percent that goes to Michigan; 3 percent goes to Ohio and 4.9 percent goes to Texas.

I have no problems with the great State of Texas. I just think that is a terrible way to distribute the money. This title II is poorly conceived, and unfairly drafted where the really high unemployment areas are concerned. It should be stricken from the bill.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BOUQUARD).

Mrs. BOUQUARD. Mr. Chairman, I rise in opposition to the Coughlin amendment which will be offered soon. Our opponents to the CRB have offered nothing as a replacement for this project. They have no alternatives that meet both the feasibility and affordability standards.

Second, they argue there is no need for an alternative.

Let me ask today how history would judge a Congress which in the late 1960's or the early 1970's had provided for a technology to replace liquid hydrocarbon fuels, even though everyone knew then that there was at least a 40-year supply of such fuels at prices of 10 years ago.

I suggest to you that such an action would have been deemed both farsighted and statesmanlike. You are going to have the same choice today. You can provide for the energy to run our economy in an economically efficient and environmentally sound and military-secure fashion or you can run the same risks, only for higher stakes than this country ran with oil imports 15 years ago.

I think that there is only one responsible choice and that is to defeat this amendment and commit America to a future worthy of her past.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROYBAL).

Mr. GIBBONS. Mr. Chairman, will the gentleman yield to me?

Mr. ROYBAL. I yield to the gentleman.

Mr. GIBBONS. Mr. Chairman, I only rise to ask a question about the language on page 53. The language is,

"* * * only to procure domestically manufactured vehicles."

I assume that means vehicles which are manufactured in this country and the components are manufactured in this country.

Mr. ROYBAL. That is correct. The amount of money that is appropriated is \$100 million. The money will go to the general supply fund. They in turn will make the purchase, but only of domestically produced automobiles.

Mr. GIBBONS. These are autos that are produced entirely within this country and their components are produced entirely within the country?

Mr. ROYBAL. That is correct.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman.

Mr. MYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I think it should be pointed out here that title II of this bill will violate the very budget that this House adopted. It is \$3.5 billion over the section 302(b) allocations in outlays. That means that in fiscal year 1983 if this is passed, we will be spending and borrowing an additional \$3.5 billion that we have not budgeted and it will be in direct violation or direct contradiction of what we adopted as a budget.

Where will this money come from? It will be borrowed. It will be borrowed from the credit unions, the savings and loans and the banks of this Nation and that will be money that will not be available for people who want to borrow to build houses, buy automobiles, start a small business, buy a washing machine or get an educational loan.

How far more efficiently we could use this money to create jobs by leaving it in the private sector where it is available to the people of this Nation to achieve their goals.

If the chairman would permit, I would like to ask a question.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, may I say that I do not agree with the gentleman, in that in the overall we are within the section 302 allocation.

I know the gentleman and some of the members of the Budget Committee feel that they should apply separate measures to each bill, with which we disagree fully. Otherwise, without hearings, to give to any group the right to measure, define or allocate by subcommittee and by program is not in the act and I consider it in the overall in the section 302 allocation.

Mr. REGULA. Well, the chairman is correct in terms of budget authority in section 302(a); but what I said in my statement was that in section 302(b) in outlays for fiscal year 1983 passage of this bill will result in a \$3.5 billion excess over the 302(b) budget allocation.

Mr. WHITTEN. Well, there are lots of figures floating around. We have ours and we differ with the gentleman. The whole budget resolution is woefully inadequate with respect to the relationship of outlays to budget authority. We all knew it was not realistic from the moment it appeared.

Mr. REGULA. I thank the chairman.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. CONTE. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in opposition to the amendment to delete funding for the Clinch River breeder reactor. This project has suffered long enough at the hands of opponents who have labeled it a "pork barrel politics." These individuals complain about the cost of the project, charge that the design is outdated, and claim the reactor is behind schedule. Each of these alleged reasons for killing this project is a direct result of the delays its opponents have brought about since 1974. Had this project proceeded on schedule it would not face the increased costs inflation has brought about over the past 8 years. Despite these delays it has managed to incorporate the latest in breeder technology in its design.

The opponents of the Clinch River project ignore the benefits it promises in the future, as well as the jobs, and energy it will provide. The chief benefit comes in the energy technology this project will provide. It is impossible to imagine how we can expect to broaden our energy options without creating and testing a breeder model. Six nations have preceded us in the movement toward breeder technology.

We have a responsibility to prepare for the future. We cannot expect the current oil glut to continue. The breeder program will provide the technology, research, and model we need to prepare for our future energy needs. To scrap this project would not only be a waste of money, but also a waste of the human resources of time, experience, and hard work which has been invested. And we could not hope to recapture this loss in the future, so we would stand unprepared in the face of the next energy crunch.

I would urge my colleagues to keep the future in mind when they vote on this amendment. With the Clinch River breeder reactor we can look forward to a new technology, jobs, and a new energy option. Without it we will stumble about in the dark seeking the energy to light our way. I hope my colleagues will vote against this amendment.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to

the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I rise in support of the House Joint Resolution 631, further continuing appropriations for fiscal year 1983. I would like to pay special tribute to the Appropriations Committee for including a very important element in the jobs stimulus title: An additional appropriation of \$250 million for the low-income weatherization program at the Department of Energy.

The results of this program, in existence since 1977, have been impressive both in terms of energy savings for the Nation and income savings for low-income people. According to a 1981 study by the Consumer Energy Council, weatherization results in savings to low-income households of 27 percent in their fuel bills or 4 percent of their average annual income. This figure is significant because low-income households spend a larger proportion of their income on energy than other income groups—often as high as 40 percent.

Because low-income households have little disposable income, they usually cannot afford to make the improvements in their homes that are needed to reduce energy needs, beyond the economies they have already achieved through reduced comfort.

The low-income weatherization program delivers energy at a cost per barrel of oil equivalent which makes it a cheaper way to expand the Nation's energy resources than any other form of energy production. According to the Consumer Energy Council, the low-income weatherization program has "produced" saved energy at less than half the cost the resident would pay for oil, electricity, or natural gas.

The potential for employment in the weatherization industry is impressive. The conservation industry is a labor-intensive industry, particularly as compared to other forms of energy production. The Appropriations Committee has estimated that this \$250 million appropriation is sufficient to put 4,750 people to work for 1 year in direct labor. As the committee notes, this figure does not include additional jobs that would be created in the manufacture of weatherization materials. This program has another unique advantage in stimulating jobs because of the new spending that would be freed up from reduced fuel bills. The committee estimates that this appropriation would save up to 1 million barrels of oil equivalent annually in the weatherized homes. Based on the average delivered cost of residential fuel, that energy savings would translate into \$45 million annually in reduced fuel costs. These fuel savings, once invested in other sectors of the economy, would create additional jobs, approximately 20,000 jobs over the esti-

mated 20-year life of the conservation investments.

Mr. Chairman, I recently introduced the Weatherization and Employment Act of 1982, which aims to weatherize the remaining low-income households in the Nation over the next 11 years, giving special attention to the job creation and job training aspects of the weatherization program. I believe that the appropriation in the continuing resolution for fiscal year 1983 is an important first step toward attaining that goal.

Mr. WHITTEN. Mr. Chairman, I reserve my time at this point.

Mr. CONTE. Mr. Chairman, I reserve my time.

Mr. WHITTEN. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. LUNDINE).

Mr. LUNDINE. Mr. Chairman, I rise to express support for House Joint Resolution 631, providing further continuing appropriations for fiscal year 1983. Given the Congress poor record in approving the 13 appropriations bills required to fund Government operations through the current fiscal year, I believe enactment of this resolution is imperative.

While I support adoption of the resolution, I must emphasize that there are provisions that I find troubling, and even objectionable. I am particularly concerned with the fact that the resolution provides appropriations only through March 15, 1983. This short-term approach to the funding problem completely undermines any incentive for Congress to exercise the discipline that is required for a responsible budget policy.

This is certainly a poor way to run the Government. What we need is stability in Government policy, particularly with regard to Government spending. These short-term solutions only foster uncertainty by imposing false deadlines on Government operations and causing undue panic among many beneficiaries of Government programs. Such action also requires that Congress again divert its attention and effort from other pressing matters next March to assure the continued operation of Federal programs.

I support the House leadership's efforts to use the continuing appropriation as a vehicle to expedite action on an emergency jobs stimulus program. Some form of economic stimulus is clearly needed if we are to have any hope of economic recovery in the near future. There are still few signs that we have begun to emerge from the deepest recession in the Nation's post-war history. And it is clear that tax reductions alone have not been sufficient to encourage investment and create new jobs and production.

Once again, however, I must express reservations with the jobs stimulus proposals included in the resolution. In general, I believe the plan has been

conceived too hastily and includes provisions that will not meet our urgent job creation objectives. I must also object to the fact that the initiatives included in the stimulus plan are biased in favor of urban communities and clearly ignore the Nation's rural areas. Essential urban development, public works and housing improvement funding is restricted only to urban areas. The need for jobs and basic structural improvements is as imperative in our rural communities as it is in our cities. I would hope that if this proposal is put into effect, efforts will be made to restore the traditional allocations in most of the programs between urban and rural communities.

Let me also point out that I am pleased that a number of important amendments to the resolution have been ruled in order. I strongly support the effort of my colleague from Pennsylvania (Mr. COUGHLIN) to delete all funding in the resolution for the Clinch River breeder reactor and plan to join in the discussion in support of that amendment.

I am also pleased to see that several amendments will be offered regarding the issue of increasing congressional salaries. I have long maintained that Congress must confront this issue directly, only on a separate recorded vote. I have also believed that any salary increase should only be enacted for a subsequent Congress in order to eliminate the immediate conflict in interest. While I realize that raising this question in a lameduck session is not entirely consistent with this second point, I think it does permit us to address this question in a way that minimizes the inherent conflict in our considerations.

Like most bills that include numerous issues and provisions, I find there are both good and bad points in this resolution. However, I strongly believe that we are far better off adopting this resolution than delaying action and compounding the confusion and uncertainty in our budget policy. A time of economic uncertainty and distress is not the time for stopgap solutions to Government spending. For the future, I urge that efforts be made to ignore and streamline our budget and appropriations process to provide for more timely action on essential Government appropriations.

Mr. WHITTEN. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, I rise today to address a matter of great importance to both this body and to the State of California: the House-passed provision to the Interior appropriations bill prohibiting oil and gas leasing on the central and northern California coast. I am concerned by the misunderstanding which may surround this provision, and would like to

take a moment to provide some clarification and background regarding offshore oil and gas drilling off the California coast.

Just a few weeks ago, the House approved by an overwhelming majority a fiscal year 1983 Interior appropriations bill which contained a provision which would suspend oil and gas leasing on a portion of the central and northern California coast through the 1983 fiscal year. The provision was approved without objection by the subcommittee and full committee, and on the floor of the House. The provision would cover a smaller portion of the northern and central California area slated for oil and gas leasing October of 1983.

The Senate has marked up an Interior appropriations bill containing a California oil and gas leasing provision as well, but here the similarities between the two bills ends. The Senate Interior Appropriations Subcommittee has addressed the extremely complex and important issue of California offshore oil and gas leasing with a meaningless and powerless provision which bears no more than superficial resemblance to the provision passed by the House. It is important here to note the considerable distinctions between the two bills, as the issues the House provision addresses promise to attract increasing public and congressional attention support in the coming weeks and months.

The provision approved by the House sets aside for protection an area of the central and northern California Outer Continental Shelf from Pismo Beach north to the Oregon border by excluding funding for leasing there during the 1983 fiscal year. The moratorium on offshore oil and gas drilling in the area described by the House provision enjoys the support of both California Senators, the Governors of California and Oregon, the majority of the California delegation—Republicans as well as Democrats—and affected coastal cities and counties. The House language would protect only those areas considered to have low estimated recoverable resources as well as a high risk of serious damage to the area's marine environment and those who depend upon it for their livelihood and recreation. In drafting the House language, care was taken to insure that it would have no effect upon the significant oil and gas development which is taking place off Point Arguello, over 40 miles to the south.

In contrast, the Senate version would offer no protection to the central and northern California coast during the coming fiscal year. The provision describes for nominal protection only those four small tract areas which have already been deleted from leasing by administrative decision. Thus, the provision leaves open virtually the entire northern and central

and northern California coast for a lease sale scheduled for completion in October 1983.

By permitting continued development in that portion of a previous lease sale where 85 percent of the estimated recoverable resources in the sale area were expected to be found, the House provision acknowledges the need for continued development of necessary oil and gas off the California coast. However, in those offshore areas of low hydrocarbon potential, the important environmental and economic considerations attendant upon oil and gas leasing must be considered as well.

Nineteen billion dollars in revenue is generated annually by tourism in California coastal counties, and an additional \$1 billion is contributed by the State's fisheries. These important environmentally dependent economic concerns must be taken into account by any decision to offer offshore oil and gas leases. In fact, the Outer Continental Shelf Lands Act Amendments of 1978 define a balance of relative environmental sensitivity against an area's resource potential as a prerequisite for conducting Outer Continental Shelf oil and gas leasing. Federal law also mandates consistency of major Federal actions with existing regulations designed to protect natural resources. Off the California coast, the dwindling population of the California sea otter—a threatened species protected by Federal law—would be severely affected by any drilling north of Pismo Beach. None of these important factors is given serious consideration by the Senate drilling provision.

Last year, Congress recognized the importance to consider important environmental and economic factors in balance with estimates of resources recoverable from an area when it passed an appropriations provision suspending leasing in almost all of the northern and central California coast offered for leasing that year. That provision named the specific tract groups to be leased, and thus, the enacted language cited those tract groups to be excluded from leasing. However, since that time, the Department of the Interior has changed its leasing format, and offshore leasing is now conducted on an areawide basis. Thus, this fiscal year's continuation of last year's northern and central and California coast leasing prohibition must observe an areawide, rather than tract-group specific designation of the region it covers. For this reason, I commend the House for its foresight in enacting this year's areawide provision, and urge the conferees to continue to support that language in conference.

The provision passed by the Senate Appropriations Committee is almost a verbatim transcript of last fiscal year's prohibition language, but is inapplicable to this year's leasing program. In

fact, none of the areas mentioned in the Senate language can be leased during the coming fiscal year. The Senate language is, in short, powerless, and should be rejected by the House.

I wish to underscore the importance of holding firm with the House-passed provision regarding California oil and gas leasing. The productivity and environmental well-being of scenic and resource-poor northern and central California depends upon its unspoiled coastal environment. Thank you for your attention.

● Ms. FERRARO. Mr. Chairman, I rise in support of the resolution and ask unanimous consent to revise and extend my remarks.

Mr. Chairman, we are experiencing the worst employment since the Great Depression. More brutally, and accurately, 12 million Americans are out of work—a post World War II record.

I support the job creating sections of this bill because they will provide useful, constructive work and training for thousands of workers displaced by the recession brought on by Reaganomics.

I especially want to call attention to provisions of the bill which will help a sector of our economy which is suffering terrible unemployment but which is not always paid the attention it deserves.

I speak, of course, of our unemployed women.

There are two issues here: Why do women work? And, what kind of jobs do they do?

Women work because they must work. Our female work force has doubled since 1960. Not because women thought working would be a lark. President Reagan is wrong, and sadly out of touch with reality, when he tries to blame male unemployment on women working instead of his own misguided economic policies.

Now, 74 percent of all women are working because they are single, divorced, widowed, or married to husbands who make less than \$15,000 a year.

As unemployment has soared, the wife's job has, in many cases, become the only barrier between her family and welfare. This was dramatically illustrated in a December 8 article in the Wall Street Journal which showed that many women—married to steelworkers, autoworkers, construction workers—have become the breadwinners for their families as their husbands lost their jobs.

We all know that the overall unemployment rate is 10.8 percent. We are accustomed to having the rate broken down by various groupings. For example, we hear that 9.2 percent of white men are unemployed, and that among black teenagers, unemployment is a crushing 50 percent or higher.

One group we do not hear as much about is women who do not have husbands to support them. These are women who are single, or widowed, or divorced, and who are responsible for taking care of themselves or themselves and their children. Their numbers are growing, and so are their problems.

The Bureau of Labor Statistics says unemployment among these women in November 1982 was 12.5 percent, more than 3 points higher than the rate for white men over the age of 20. And those who do have jobs must deal with the reality that their jobs pay less than they would pay if men held them.

Eighty percent of all women work in just 20 job classifications. Those classifications do not pay as well as the jobs in which men are concentrated. And those classifications do not include many of the jobs we seek to create here today—carpenter, plumber, bulldozer operator, welder.

There is no reason women cannot hold these jobs—no reason except a traditional pattern of discrimination which some administrations have tried to address but this one is virtually ignoring. In the short run—now, when we need the work—women are not going to these jobs.

According to the Bureau of Labor Statistics, there were over 4 million persons employed in the construction trades in August. Of these, 387,000, or 9.3 percent, were women.

In the specialty of highway and street construction, 262,300 were employed, of which 16,500, or 6 percent, were women.

I recently received a report on job opportunities in federally aided construction prepared by the Southeast Women's Employment Coalition. They noted that only 5.2 percent of all workers on federally financed highway projects are women—and that's including those working in secretarial and office positions created by roadbuilding projects.

While much of this bill and of the highway bill we passed last week will not help women who need good paying jobs now, I am pleased that some provisions of this bill will provide immediate help.

The employment and jobs training programs, through the Jobs Corps and the Job Training Partnership Act passed earlier this year, are necessarily aimed at helping workers displaced because of dislocations in major industries, and most of these workers are men. Still, the job search assistance, retraining, and relocation assistance offered could help women trying to reenter the job market, and I am hopeful that will happen.

The added funds for running State employment services agencies will help women in two ways. First, women will likely get many of the jobs in the

agencies, and women and men alike will benefit from improved efficiency in processing unemployment checks and providing help finding jobs.

Probably the single most valuable item in this bill for working women is the additional \$50 million for day care services. For many working mothers of young children, the availability of affordable day care is critical.

For women with part-time or low-paying jobs—and women still make only 59 cents for every dollar men earn—reliable, subsidized day care means a direct increase in their disposable income. In many cases, it can mean the difference between being able to work and being forced onto the welfare rolls.

Having adequate day care enhances the value of the job training opportunities in this bill, as it means women can be sure their children are being cared for while they seek better job opportunities.

Finally, as in the case of employment services, the day care jobs created by the additional funding will provide work for women. Thousands of unemployed day care workers, who have lost their jobs because of the recession and Reagan budget cuts, will be rehired, and most of them are women.

Immediate work openings for women will also result from the increase in home health care services. Cutbacks in these programs have resulted in hospitalizations which could have been avoided if proper outpatient care had been available. Restoring the home health services will not only provide jobs for women, it will also save money by providing competent medical care without the expense of hospitalization.

While these are the principal areas of jobs opportunities for women, I am hopeful that women will benefit from other provisions as well. For example, I would expect that women will get a reasonable share of the 160,000 emergency productive jobs created by the bill. These jobs involve repairing community facilities and must produce a tangible benefit to the community. There is no reason women cannot do these jobs, and those women who are able and willing, and who meet the other eligibility requirements, should be given full consideration.

Women should also be considered for the 65,000 light construction jobs provided through community development grants. As I mentioned earlier, women make up a very small percentage of construction workers. With unemployment at 23 percent in the construction trades, we must be sensitive to the need to put people back to work. I believe this bill, coupled with the highway and bridge repair bill, respond to that need. At the same time, I hope we will reaffirm our commitment to move toward equal employ-

ment opportunity and to eliminate sex discrimination wherever it exists.

The unemployed are not statistics. They are real human beings with real hopes and fears. For the Nation, an unemployment rate of 10.8 percent is intolerable. But for a family whose breadwinner—whether a man or a woman—is unemployed, the unemployment rate is 100 percent, and that is not just intolerable, it is tragic. If it goes on too long, it can completely ruin people's lives. For millions of Americans, this recession has gone on too long. We have to do something now.

The immediate concern of this bill, and rightly so, is to put people back to work. It is vitally important, however, that we move now to develop policies to restore long-term health to the economy.

In this regard, I was very pleased to notice the committee's recommendation, in its report, that we give prompt consideration in the 98th Congress to reviving the Reconstruction Finance Corporation. This is an idea which I have repeatedly spoken in favor of as a means of strengthening Government cooperation with the private sector and generating needed investment.

The RFC played a key role for 25 years in helping to lead the country out of the depression. When it finally went out of business, it had stimulated billions of dollars of investments and returned a profit to the taxpayers. A similar institution now could provide needed capital assistance to strengthen the private sector. I look forward to working with members of the Committee on Appropriations and other interested Members to make this idea a reality. ●

● Mr. SYNAR. Mr. Chairman, the House action today regarding social security disability will go a long way toward resolving the current problems facing many of our constituents who rely on disability for their livelihood. I commend Subcommittee Chairman JAKE PICKLE for his hard work. Through the development of this legislation, Congressman PICKLE demonstrated a firm commitment to finding a compassionate solution that made good sense. He was always open to ideas from those of us who were interested in this bill but who are not members of the Ways and Means Committee.

I would like to point out specifically three ways in which this legislation improves the disability process. First, the bill temporarily provides extended disability benefits for persons terminated as part of the continuing review effort. There has been a great deal of confusion regarding this effort—which began last year in response to a 1980 congressional mandate—and many of us have feared that truly deserving disabled citizens were being terminat-

ed, or at a minimum, denied critical benefits during the time they processed an appeal. The high rate of reinstatement by independent administrative law judges (ALJ's) confirmed that fear. This bill closes the "window" of time during which terminated recipients who would appeal and win were without any income. The provision has an automatic sunset (October 1983) and serves to provide temporary relief from the problem until the review process is moving swiftly.

Second, Congressman PICKLE's initiative puts into permanent law specific steps which the Social Security Administration must take in the review process. Every terminated recipient now will be entitled to a face-to-face reconsideration hearing before appealing to ALJ's and every terminated recipient will be given reasonable notice and basic information concerning their rights before the reconsideration, particularly concerning their rights of representation and the introduction of evidence.

This addresses a serious problem: Many recipients were confused and scared by the sparse information provided to them concerning the review of their benefits and a great deal of misinformation resulted. Oklahomans who were affected in this way would come to my district office seeking help daily.

And finally, the measure requires a semiannual report from the Social Security Administration to the Congress concerning the review process. This is badly needed. As we considered this legislation over the past few months I became aware of the acute lack of information about the reviews. Many of the disagreements were caused by conflicting information and interpretations of it, and these semiannual reports will be welcomed. I look forward personally to following the progress and being ready to act if further problems develop.●

● Mr. WAXMAN. Mr. Chairman, I appreciate the work of the chairman and the Committee on House Joint Resolution 631, the continuing resolution for fiscal year 1983.

I especially appreciate the inclusion in the bill of the provisions relating to health planning found in section 101(e)(4). These provisions read:

(4) Such amounts as may be necessary for carrying out the following activities, not otherwise provided for, at the current rate: health planning activities authorized by the Public Health Service Act: *Provided*, That no penalty shall be applied nor any State or agency agreement terminated pursuant to sections 1512, 1515, or 1521 of the Public Health Service Act during fiscal year 1983;

The most important effect of these provisions is to appropriate the amounts necessary for continuing health planning activities at the current, or fiscal year 1982, rate in fiscal year 1983. The bill thus provides

\$37.731 million for health systems agencies, \$19.200 million for State health planning and development agencies, \$1,325 million for technical assistance centers and \$6.633 million for program management in fiscal year 1983.

The bill also provides that no HSA agreement shall be terminated under section 1512 of the PHS Act. In this way the bill extends the provisions enacted in the supplemental appropriations bill last spring to reduce the required HSA staff levels under subparagraph (b)(2)(B) to not less than 3 and 1 per 300,000 residents rounded to the nearest 300,000.

The bill further provides that no HSA agreement shall be terminated pursuant to section 1515. This provision clearly provides that agencies shall not be terminated or not renewed during fiscal year 1983 under paragraph (b)(2) because they have been conditionally designated longer than 36 months, under paragraph (b)(3) with 90 days notice, or under subparagraph (c)(3)(B) because they have been returned to conditional designation for longer than 12 months.

The bill finally provides that no penalty shall be applied nor any State agency terminated pursuant to section 1521. This provision means that that no State shall have funds under the Public Health Service Act or Comprehensive Alcohol Abuse Act reduced in fiscal year 1983 under the terms of paragraph (d)(2). It also provides that State agencies shall not be terminated under subparagraph (b)(2)(B) for extending beyond the period set by paragraph (d)(1), under subparagraph (b)(2)(C) with 90 days notice, or under subparagraph (b)(4)(B) because they have been returned to conditional designation for longer than 12 months.

The health planning provisions of House Joint Resolution 631 are important to maintain our State and local health planning agencies until new health planning legislation is enacted. They are consistent with the provisions of the new planning legislation, H.R. 6173, which was passed by the House in September.●

● Mr. FRENZEL. Mr. Chairman, often Members will refer to a bad bill pending before the House as "the worst bill I have ever seen." That the normal hyperbole of the institution, and I have indulged in it myself. But it is an overused custom, so I will not use it today.

I will merely say that House Joint Resolution 631 would surely rank in the top 20 of any objective observer's worst list. It is waste, its inanities, and the false claims made for it are of Olympian quality and gargantuan size. It may not be a grand champion "worst," but it is surely a contender.

A bad bill invariably needs a bad rule. If I had not read the bill, I would have known as soon as I saw the rule

that the bill was a turkey. Only those appropriations bills that are either bad or sneaky need a rule at all. This bill needs a closed rule with every waiver known. That is a dead giveaway that its authors are ashamed of it.

The rule keeps us from amending the bill, except in a few less important instances where our elite leaders have designed to let the people be heard. The rule is an affront to the House and to the people we represent. It casts a shadow of darkness over the bill, and calls into question not only the substance, but also the motivation behind the bill.

Closed rules are useful sometimes. They should never, however, be used on appropriations bills, unless the sponsors have something to hide.

This rule will hide a number of obnoxious features. First among them is that the bill is nearly \$9 billion over budget in outlays. The CBO figure is \$8.7 billion.

That probably is a record. At least, I cannot remember any bill which ever exceeded the budget resolution outlay limitations by that much.

We all know that we appropriate budget authority, not outlays. Nevertheless, this House cannot approve any appropriations bill without due regard for outlays. None of us can say, "the bill is not really over budget; it just spends \$9 billion more than we voted to spend."

That egregious overspending is reason enough to vote against the bill, but the way in which we spend it is even more reason.

Fifty million dollars is strictly peanuts in a bill that exceeds budget outlays by \$9 billion. But, one of the expenditures on this bill tosses \$50 million to a private agency with instructions to counsel with a few other agencies and spend it on needy people. That is real targeting. Spreading dollar bills with pitchforks would distribute taxpayers' moneys with about the same precision.

We are told that \$5.4 billion of this bill is intended to create some 300,000 jobs, which may or may not ever be created. Whatever jobs are created will surely be temporary, and they will surely be tilted in favor of skilled construction labor. The cost per job is expensive. Projects, which the sponsors say are ready for immediate start, have never been ready. We have passed such bills again and again, and the projects have always lagged behind the congressional promises. They usually come onstream after the recovery, and cause only overtime, not jobs.

We should not be deluded into thinking that the symbols-without-substance job bill, title II of this resolution is the only thing wrong with this bill. Even if that were set aside,

the resolution would still be \$3.3 billion over budget in outlays.

Further, there are many instances of legislating on an appropriations bill, but all of them are protected by the rule from points of order. One of the worst examples occurs in the customs section where jurisdiction of other committees is invaded by the Appropriations Committee and that invasion is protected by the rule.

The whole mess should be returned to the committee for wholesale rehabilitation. Some of the page numbers can be salvaged, but all the rest of the bill should be scrapped. In its present condition, the bill should be defeated. ●

● Mr. MONTGOMERY. Mr. Chairman, I especially want to thank the very able and distinguished chairman of the Subcommittee on HUD-Independent Agencies, Mr. BOLAND, for his leadership in helping to resolve the automated data processing issue at the Veterans' Administration. For several years now the Veterans' Administration has been unable to make any decision as to the kind of computer system that should be installed in the Veterans' Administration hospital system.

The language contained in the resolution being considered is consistent with my position and the position of other members of the Committee on Veterans' Affairs relating to Department of Medicine and Surgery computer capabilities.

The long history of providing the VA hospital system with clinical computer capabilities has been fraught with planning difficulties, imprecise cost projections, overly optimistic schedules, and management indecision. During this regrettable period, the Congress has expressed concern that this lack of automated data processing service in the Department of Medicine and Surgery has adversely impacted on the quality of health care delivered in VA hospitals.

Many of us in the House were very pleased when Mr. Robert P. Nimmo issued his executive order of February 18, 1982, providing new direction in use and control of computers and ADP technology in the Department of Medicine and Surgery with a policy of decentralization which places the emphasis on quality of health care rather than gathering data. When the House and Senate Veterans' Affairs Committees were briefed on his directive we were told that maximum effort would be exerted in implementing decentralization and that there would be no further development or expansion of the old centralized ADP program, Apples. We were also told that equipment and other sources intended for the expansion of Apples would be reprogrammed to support the new decentralized policy.

We were later amazed to learn that the Administrator's earlier executive

order had been reversed and that a subsequent decision was made to go back to the original plan for a centralized system. Our committee learned that the expansion of certain Apples (COMISS) sites was made unilaterally by the Office of Data Management and Telecommunications.

Mr. Chairman the Appropriations Committee has taken the position consistent with those of us on the Veterans' Affairs Committee who support a decentralized computer system for the Department of Medicine and Surgery. In a letter sent to the Administrator on November 19 the ranking minority member of our committee, the Honorable JOHN PAUL HAMMERSCHMIDT, and I asked the Administrator not to proceed with the centralized (COMISS) system and to begin immediately to implement the current decentralized system developed by the Department of Medicine and Surgery. At the same time we did not suggest any limitation on the Veterans' Administration to develop options either through the private sector or otherwise, where such options could possibly enhance or improve on the decentralized MUMPS system. Our position was simply that until the Veterans' Administration has a better system, it should begin immediately to implement fully the integrated MUMPS system. We feel this would be cost effective, but more importantly, we feel the MUMPS system is the only system currently available that could be quickly implemented. VA hospitals must have computer capability if we are to provide quality care to veteran patients.

The overriding issue, Mr. Chairman, is the quality of care to be provided to veterans who receive their care and treatment in VA medical centers. The VA is far behind the private sector, and we must begin to catch up. We can continue to conduct studies and implement pilot projects. That is not satisfactory. There have been too many studies. Let us get on with getting the job done. If the other body accepts the language of the House, we will see major progress in a short period of time.

I compliment all members of the Appropriations Committee who have joined in support of our efforts, and I would urge the other body to do likewise. We can no longer afford to wait—to continue to haggle about what system should be provided. This is the best system available, and we need to get on with it. ●

● Mr. LONG of Louisiana. Mr. Chairman, I rise in support of House Joint Resolution 631, to provide continuing funding for a myriad of important programs which otherwise would be terminated in the absence of their regular annual appropriations. I share the concern of many of my colleagues that "government by continuing resolution" is not the way to run the Na-

tion's business. Nevertheless, we find ourselves once again in the unfortunate circumstances of making key decisions on a vast range of Federal programs in the waning moments of the congressional session.

As a Member of the House, I would like to commend our appropriations chairman, Mr. WHITTEN, for having led us through passage of nearly all appropriations measures for the current fiscal year. And again, I would commend him for leading this effort to keep the Government functioning until the Senate can complete the actions for which it is responsible. It is not an easy task. The urgency of today's situation compels a streamlined procedure. Yet, the principle of fairness demands the opportunity to offer amendments or make changes in our funding priorities over the next few months. That delicate job of balancing the need for swift action with the legitimate need of Members to affect the pending legislation falls to the Rules Committee.

Yesterday, the Rules Committee identified eight amendments which merit consideration by the full House in its work on the continuing funding measure. One of these amendments is offered by a colleague of mine from Louisiana, Congressman BILLY TAUZIN, and I would like to take just a few moments to add my support for passage of this effort. The amendment is necessary to make sure that private sector initiatives to help the elderly and the poor pay high fuel bills are not blocked by the actions of the Federal Government. It is an amendment crucial to the most vulnerable of our society—people who are constantly walking an economic tightrope between the choice of food or fuel.

The problem arose when Federal bureaucrats at the Department of Health and Human Services delivered a strict ruling which states that a voluntary checkoff program for fuel assistance, which is administered by the utility companies must offset supplemental security income (SSI) benefits. The effect is deadly. People in need simply will not take the heating assistance provided by this voluntary system for fear of losing their SSI benefits. At a time when reliance upon private initiative and charitable giving is so great, it would be regrettable to allow these efforts to fall prey to a misguided Federal interpretation. I strongly urge the support of the House for this measure, and I was delighted to be able to work with my friend from Louisiana in making sure this amendment could be heard today.

In addition, I would like to call the attention of other rural Members of the House to the existence in this bill of additional funding for watershed and flood protection programs, and for rural water and waste disposal systems

so important to our areas. As my enlightened colleague, Mr. WHITTEN, informed us yesterday in the Rules Committee, this Nation, prided by a reputation as the world's symbol of progress, has not had a new major public works project since 1976. The lack of such an initiative by our Government in 6 years has led us to the present condition of a failing infrastructure—to the lack of roads and bridges and dams and public facilities that we need to function as a modern, productive society.

This bill addresses needs, not just of our metropolitan areas, but of rural America, where one-third of the American population still lives. The need for public works improvements in rural communities is greater today than in years past. Our facilities—where they exist—have grown older and in greater disrepair. Our tax bases remain small and unable to borrow the money necessary to finance such large projects. The farm economy is in its worst condition since the Great Depression. Consequently there is less money circulating in these communities, fewer jobs, and a greater need to bolster the growth of nonfarm business and industry.

The money available in the continuing resolution would be added to the \$120 million made available in the Agriculture appropriations bill passed by the House. Together, these two bills would bring the total amount of funding for rural water and waste disposal programs to \$320 million—an amount about equal to the total Federal effort in 1980. This Federal effort is greatly needed. It will lead to an economic infusion desperately needed in the rural economy. By way of example, in my State of Louisiana, the FmHA has identified 53 communities, water and sewer districts that have sound applications, and which should be funded in the judgment of the experienced officials of FmHA. However, at current levels of funding, I have been informed that only 12 of the 53 can be funded. That means that the agency will be unable to take care of more than three-quarters of the communities that desperately need water and waste disposal systems and present viable projects.

I submit that this potential for construction, jobs, and the future of our rural communities should be developed. I submit that this program is needed, successful, and well liked. It will help deliver pure water to rural homes and help maintain good health for our rural families. And, it will help rebuild and restore the public service infrastructure that can contribute to longer term, self-sustaining economic growth in rural communities.

Mr. Chairman, I believe that House Joint Resolution 631 is a well balanced bill which continues vital Government programs and services, provides the

opportunity for more jobs, and builds in a fair assessment of the range of public project needs. I call upon my colleagues—urban and rural alike—to support the measure.●

● Mr. ST GERMAIN. Mr. Chairman, I rise in strong support of House Joint Resolution 631, to make further continuing appropriations for fiscal year 1983. I wish to commend our distinguished Speaker and the other members of the Democratic leadership for taking the initiative in this postelection session of the 97th Congress to respond to the dismal economic conditions that have brought the highest level of unemployment since the Great Depression. Not only is this appropriations bill providing for the continuing funding of the Federal Government, but it bravely attempts at a minimal level of assistance to provide funding for a series of measures which addresses the critical unemployment problem that is having devastating effects on our economy.

As chairman of the Committee on Banking, Finance and Urban Affairs, the Speaker requested that our committee make recommendations to him as to what ought to be included as part of an economic stimulus package on the programs that the Banking Committee has jurisdiction over. Our recommendations have been embodied in title II of House Joint Resolution 631, and, indeed, the Appropriations Committee increased the funding that the Banking Committee Democrats recommended. Title II contains an additional billion dollars for the community development block grant program to be made available to entitlement communities through the regular entitlement process for the purpose of funding public facility improvements. It is our expectation that this additional block grant funding be used exclusively for the type of public facility activities contained in section 105(a)(2) of the Housing and Community Development Act of 1974, as amended.

Title II also contains additional funding for the successful and much needed weatherization grants for our low income, elderly citizens. For those of us in the colder climate of this country, this program has been a godsend. I am particularly appreciative of the Appropriations Committee's concern in providing an additional \$250 million for the weatherization program. Not only does this program provide weatherization for 250,000 homes for our low-income senior citizens but the direct labor involvement in this program will be 4,700 people put to work this winter season.

I would also commend the committee for providing an additional \$1.2 billion on top of the \$1.5 billion for public housing modernization. Both our Banking Committee and the Appropriations Committee earlier this

year tentatively agreed to appropriate the budget authority for our public housing modernization program totaling \$1.5 billion. Since the public housing modernization program is a job intensive-type of assistance and since the condition of many public housing projects, many of which are 30 to 40 years old, are in great need of major renovation, such as new heating units, new windows, and additional weatherization and other utility improvements, this total of \$2.7 billion of public housing modernization is a welcome initiative that the Appropriations Committee is to be highly commended for.

I know that the public housing authorities in my area of the country can and will use all of the moneys the Department of Housing and Urban Development will allocate to us for these modernization efforts. There will be no delay, the need is there, and I believe that the housing authorities have the ability to use this modernization increase budget authority.

Finally, Mr. Chairman, I commend the Appropriations Committee and my colleague from Massachusetts, Mr. BOLAND, for appropriating \$9.7 billion of budget authority for the continuation of our assisted housing programs. I regret that the Banking Committee was unable to bring to the floor our housing authorization bill for fiscal year 1983. Our committee reported the authorization bill out of the committee last May, but due to the delay of the budget resolution, the administration's vehement opposition to the direction of our bill and our ability to work out the necessary compromises with the minority members of the Banking Committee, we have been unable to move forth our bill as we expected.

While I and the other Democratic members of the Banking Committee feel that the budget authority provided in our authorization bill, as well as in this appropriations bill, is far too little to meet the low- and middle-income housing needs of this Nation, we applaud the Appropriations Committee for taking on the responsibility to continue, at least, the structure of our assisted housing programs through to the end of fiscal year 1983.

While there are some differences in the manner in which the Appropriations Committee and the Banking Committee would allocate the budget authority for the use of the various assisted housing programs, I believe that the direction taken by the Appropriations Committee by providing \$9.7 billion in budget authority for our assisted housing programs is absolutely essential if we are not to turn our face from the low-income housing crisis that this Nation is facing.

I strongly support this joint resolution and I urge my colleagues to

strongly oppose the Republican efforts to delete title II of the resolution which would only send another message to the American public that the administration and the Congress do not care about the economic difficulties of this Nation.●

● Mr. STOKES. Mr. Chairman, I rise in support of House Joint Resolution 631, making further continuing appropriations and providing for productive employment for fiscal year 1983.

Title I of this joint resolution provides continuing funding authority for the operation of the Federal Government through March 15, 1983, since only two appropriations bills have been enacted at this time. It is unfortunate that once again we must resort to this improper and inefficient way of funding Federal operations. Another continuing resolution, however, is unavoidable. Adoption of this joint resolution is critical to insuring the smooth functioning of most of the Federal Government until the regular appropriations bills are enacted.

Title I of this joint resolution also provides \$9.7 billion in new budget authority for assisted housing programs. I wholeheartedly support these provisions and complement the distinguished chairman of the HUD-Independent Agencies Appropriations Subcommittee for his recommendations incorporating a balanced and reasonable approach to the complex and difficult problem of meeting the housing needs of our Nation's poor and disadvantaged persons given the severe financial constraints facing the subcommittee. The inclusion of this funding in the continuing resolution at this time is critical to insuring a viable Federal housing program for fiscal year 1983. Due to the lack of authorizing legislation, the funding authority for the housing programs was not included in the regular HUD-Independent Agencies Appropriations Act. Now, however, we have no alternative but to recommend assisted housing funding through this joint resolution.

Mr. Chairman, thousands of American families are in dire need of affordable and decent housing. To partially address this need, this joint resolution includes funding for 10,700 units of new public housing. I believe that this is the minimum level at which we can maintain a viable housing program. To fall below this level would be turning our backs on those who are most in need and risking the permanent termination of a most important component of the Federal housing effort. Together with the 10,000 units of section 202 elderly housing recommended in this legislation, the 10,700 units of public housing are the only new housing construction activities recommended for fiscal year 1983. I am pleased additionally to support funding for 47,270 section 8 existing units and 15,000 section 8 moderate rehabilitation units, hous-

ing more than 62,000 needy households.

The Appropriations Committee is especially sensitive to the critical and growing need to rehabilitate public housing projects, many of which are dilapidated and in serious need of major repair. Across the country, public housing projects have unacceptably high vacancy rates and are boarded up due to lack of suitable plumbing, heating, insulation, and so forth. To let these units further deteriorate while so many needy people are on the waiting lists for public housing would be irresponsible.

This joint resolution provides \$2.5 billion in new budget authority to continue comprehensive modernization of public housing. These resources will not only help to alleviate a chronic housing problem but will also provide immediate jobs in a depressed construction industry.

Mr. Chairman, I strongly endorse title II of the joint resolution which includes \$5.4 billion to implement a major jobs and economic stimulus program. At the outset, let me say that it is a national tragedy that over 12 million Americans who want and need to work now find themselves unemployed. In the black community, and unconscionable 1 out of every 5 persons is out of work.

Putting Americans back to work must be the first priority of this Congress and the Nation. Government is supposed to be "for the people." It is all too clear that the people, including over 12 million unemployed Americans, now need their Government.

Mr. Chairman, we have without our reach the means and the tools to put Americans back to work in essential and productive jobs. We know how to do it. We know how Government can stimulate the economy. Unfortunately, because the current administration does not seem interested in a Government which does these things, we must seize the initiative.

The emergency jobs stimulus legislation is a comprehensive approach to addressing the urgent plight of the unemployed in this Nation, not through make work jobs, but through jobs which are essential to the rebuilding of America. Nearly 250,000 jobs created through the emergency jobs stimulus legislation will provide multiple benefits to communities throughout the Nation. In fact, nearly every American will benefit directly or indirectly through this bill by way of improved transportation services, upgraded rail, highway and transit systems, improved public facilities, and better maintained parks and recreational areas.

Title II of this joint resolution provides increased funding for a number of ongoing Federal programs, which will contribute to a minimum startup time and effective utilization of Feder-

al resources for job creation. These items include \$1 billion in additional funding for the community development block grant; \$250 million for low-income weatherization; \$250 million for interstate transfer grants; \$190 million for rail/Amtrak projects; \$200 million for the renovation of public facilities; \$489 million for military housing; and \$800 million in rural development grants and loans. Moreover, \$1 billion is provided for temporary and short-term jobs for unemployed individuals, \$200 million for dislocated workers, and \$339 million for State employment services offices to provide job location assistance.

There are those who say that the price tag for this legislation is too high. In response to this, I would point out that we just passed a \$232 billion defense funding bill—the largest peacetime military budget ever. If we can afford to put this much money into military systems and hardware, I think that we can afford to spend \$5.4 billion on the unemployed people of this Nation—people who represent the real strength of our country.

Title II, the emergency jobs stimulus package, is urgently needed to put an end to the lingering recession which is destroying the lives of millions of people. We have the necessary resources and the means to put people back to work if only we have the will. I urge you to adopt House Joint Resolution 631 as a necessary and essential first step to fulfilling our responsibility to the American people.●

□ 1400

Mr. WHITTEN. Mr. Chairman, I yield myself the remaining 3 minutes.

Mr. Chairman, I want to repeat again that we have given you the figures about how the economic situation is getting worse and worse by the day and I repeat again that we, in our jobs section of this bill, have had the best information I know how to get from the various subcommittees of the Committee on Appropriations as to cases that have been made before them as to the needs of the country.

I point out that item, and also I point out at the same time that we have called on American industry, we have called on various departments of Government to bring forward a plan for legislation where we will prevent what happened in the Depression of years ago.

The main thing I come here to ask my colleagues is to go along with the committee, and I hope these cutback amendments on vital public works projects will be voted down.

Let me repeat why. In the first place these amendments, having read them, merely stop these projects for the time of this resolution, and that, according to this resolution we have before us, would be March 15. We would incur a

lot of unnecessary expense during that period. Next year we will have a new Congress, and in all probability it will be put back.

So in my judgment, it would be a serious mistake to vote for these amendments in this circumstance, and I hope Members will stand by the committee and vote down these amendments and let us proceed to conference with the Senate and vote for final passage.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the joint resolution is considered as having been read and open for amendment under the 5-minute rule. No amendments are in order except the following amendments printed in the CONGRESSIONAL RECORD of December 13, which shall only be in order if offered by the Member named in each amendment, shall be considered only in the following order, and shall not be subject to amendment: First, an amendment by Representative EDWARDS of California; second, an amendment by Representative SIMON of Illinois; third, an amendment by Representative TAUZIN of Louisiana; fourth, an amendment by Representative FAZIO of California; fifth, an amendment by Representative TRAXLER of Michigan; said amendment shall be in order even if the amendment No. 4 above is agreed to; sixth, an amendment by Representative COUGHLIN of Pennsylvania; seventh, an amendment by Representative BONIOR of Michigan; and eighth, an amendment by Representative CONTE of Massachusetts.

The text of the joint resolution is as follows:

H.J. RES. 631

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1983, and for other purposes, namely:

TITLE I

FURTHER CONTINUING APPROPRIATIONS ACT, 1983

SEC. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1982 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

Agriculture, Rural Development and Related Agencies Appropriation Act, 1983;

District of Columbia Appropriation Act, 1983;

Department of Interior and Related Agencies Appropriation Act, 1983: *Provided*, That no programs or facilities funded therein may be terminated unless such termination is specifically approved in the appropriations process, including reprogramming;

Department of Transportation and Related Agencies Appropriation Act, 1983, except

as previously provided for in section 156 of Public Law 97-276; and

Treasury, Postal Service, and General Government Appropriation Act, 1983.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed the House as of December 17, 1982, is different from that which would be available or granted under such Act as passed by the Senate as of December 17, 1982, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of December 17, 1982, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations of the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1982: *Provided further*, That for the purposes of this joint resolution, when an Act listed in this subsection has been reported to the House or the Senate but not passed by that House as of December 17, 1982, it shall be deemed as having been passed by that House.

(4) Whenever an Act listed in this subsection has been passed by only the House as of December 17, 1982, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, but at a rate for operations of the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1982.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1982, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing the activities of the Foreign Assistance Appropriations Act of 1982, Public Law 97-121, under the terms and conditions, and at the rate, provided for in the Act, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the State Department Basic Authorities Act of 1956, or any other provision of law or this joint resolution, except that the rate for the United Nations Development Program shall be \$134,000,000: *Provided*, That amounts allocated to each country under this paragraph shall not exceed those provided in fiscal year 1982 and new country programs shall not be initiated unless submitted through the regular reprogramming procedures of the Committees on Appropriations: *Provided further*, That notwithstanding any other provision of law, authority for the Export-Import Bank for direct and guaranteed loans shall be that as proposed in the budget estimates and in addition, in order to create additional jobs in the United States through the sale of the United States products abroad, such unused authority as nec-

essary from fiscal year 1982 shall be carried forward into fiscal year 1983 in order to maintain the fiscal year 1982 level: *Provided further*, That such additional sums and authority as are necessary to provide for increases for economic and military assistance for Israel and Egypt in furtherance of the Camp David peace process as authorized in H.R. 6370 as reported to the House of Representatives, and in addition \$25,000,000 for Egypt in Foreign Military Direct Credit Sales: *Provided further*, That sums for migration and refugee assistance, peacekeeping operations, and trade and development shall be at the rate provided in the budget requests: *Provided further*, That of the amount of funds available under this subsection to carry out the provisions of section 103 of the Foreign Assistance Act of 1961, funds up to the amount requested in the budget may be used for payment to the International Fund for Agricultural Development: *Provided further*, That notwithstanding any other provision of this joint resolution or any other Act, none of the funds provided in this joint resolution shall be made available to Honduras until that country meets the terms of the binding arbitration award established by the Inter-American Commercial Arbitration Commission in Tegucigalpa on November 7, 1981.

(c) Such amounts as may be necessary for programs, projects, or activities provided for in the Department of Defense Appropriation Act, 1983 (H.R. 7355), at a rate of operations, and to the extent and in the manner provided for in such Act as passed by the House of Representatives on December 8, 1982, as if such Act had been enacted into law.

(d) Such amounts as may be necessary for programs, projects, and activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1983 (H.R. 6957), at a rate for operations and to the extent and in the manner provided for in such Act as passed the House of Representatives as if such Act had been enacted into law: *Provided*, That sections 106, 125, and 149 of Public Law 97-276 shall be effective until the termination date set forth in section 102(c) of this joint resolution.

(e)(1) Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1983, at a rate for operations and to the extent and in the manner provided for in House Report 97-894 and in H.R. 7205 as passed the House of Representatives on December 1, 1982, as if such Act had been enacted into law, except as previously provided for in sections 132, 134, 135, 136, 137, 138, 139, 140, 141, 142, and 146 of Public Law 97-276: *Provided*, That of the funds appropriated for "Higher and continuing education", \$3,000,000 shall be available until expended for the Carl Albert Congressional Research and Studies Center.

(2) For refugee and entrant assistance activities administered by the Department of Health and Human Services, \$532,152,000 of which \$16,600,000 shall be for grants to school districts under section 311 of the Refugee Act of 1980 as amended, \$35,000,000 shall be for targeted assistance for refugees and entrants and \$68,000,000 shall be for social services for refugees and entrants: *Provided*, That such funds may be expended for individuals who would meet the definition of "Cuban and Haitian entrant" under section 501(e) of the Refugee Education Assistance Act, 94 Stat. 1810, but

for the application of paragraph (2)(B) thereof.

(3) Notwithstanding any other provision of this joint resolution, except section 102, there are appropriated such amounts as may be necessary, not to exceed \$5,411,000,000 for Department of Labor, Employment and Training Administration, "Advances to the Unemployment Trust Fund and Other Funds".

(4) Such amounts as may be necessary for carrying out the following activities, not otherwise provided for, at the current rate:

health planning activities authorized by the Public Health Service Act: *Provided*, That no penalty shall be applied nor any State or agency agreement terminated pursuant to sections 1512, 1515 or 1521 of the Public Health Service Act during fiscal year 1983;

utilization and quality control peer review activities authorized by Public Law 97-248;

activities under the Comprehensive Employment and Training Act as authorized by section 181 of the Job Training Partnership Act, Public Law 97-300; sections 236, 237, and 238 of the Trade Act of 1974, as amended; section 51 of the Internal Revenue Code of 1954, as amended; and sections 210, 211, and 212 of Public Law 95-250; and

activities under the Department of Labor, Employment and Training Administration, for "Program Administration".

(5) Notwithstanding any other provision of this joint resolution, neither the restriction contained in the proviso under the heading "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION: SALARIES AND EXPENSES" in Public Law 97-257 (96 Stat. 844) nor any similar or comparable provision of any other law shall apply or have any continuing effect during fiscal year 1983 or any succeeding fiscal year.

(f) Such amounts as may be necessary for continuing activities which were conducted in fiscal year 1982, for which provision was made in the Energy and Water Development Act, 1982, at the current rate of operations: *Provided*, That no appropriation, fund or authority made available by this joint resolution or any other Act may be used directly or indirectly to significantly alter, modify, dismantle, or otherwise change the normal operation and maintenance required for any civil works project under Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil, Operation and Maintenance, General, and the operation and maintenance activities funded in Flood Control, Mississippi River and Tributaries: *Provided further*, That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1982 without prior approval of the Committees on Appropriations: *Provided further*, That no appropriation, fund or authority made available to the Department of Energy by this joint resolution or any other Act, shall be used for any action which would result in a significant reduction of the employment levels for any program or activity below the employment levels in effect on September 30, 1982.

(g) Notwithstanding section 102(c) of this joint resolution, the following amounts are provided for fiscal year 1983:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by \$485,114,257, of which \$6,460,000 shall be for assistance in financing the development or acquisition cost of low-income housing for Indian families as authorized by section 5(c) of the aforementioned Act and of which \$125,000,000 shall be for the modernization of existing low-income housing projects: *Provided*, That budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by \$9,186,630,000: *Provided further*, That of the budget authority provided herein, \$1,775,130,000 shall be allocated for public housing new construction other than for low-income housing for Indian families: *Provided further*, That any balances of authorities made available prior to enactment of this Act which are, or become available for obligation in fiscal year 1983, shall be added to and merged with the authority provided herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1983: *Provided further*, That the \$89,321,727 of budget authority deferred and to be made available in accordance with the provisos under the heading Annual Contributions for Assisted Housing in Chapter VII of the Supplemental Appropriations Act, 1982 (Public Law 97-257), shall be made available for the modernization of five thousand and seventy-three vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act: *Provided further*, That none of the merged amounts available for obligation in 1983 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439): *Provided further*, That with respect to newly constructed and substantially rehabilitated projects under section 8 of the United States Housing Act of 1937, as amended, during 1983, the Secretary shall not impose a percentage or other arbitrary limitation on the cost and rent increases resulting from increased construction cost in exercising the authority to approve cost and rent increases set forth in section 8(1) of such Act.

RENT SUPPLEMENT

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is reduced in fiscal year 1983 by not more than \$105,160,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SPECIAL ASSISTANCE FUNCTIONS FUND

During 1983, within the resources and authority available, gross obligations for the principal amounts of direct loans made pur-

suant to section 305 of the National Housing Act, as amended (12 U.S.C. 1720), shall not exceed \$500,000,000, which may be financed with collections received in 1983, and additional obligations are authorized in such amounts as are necessary for increases to prior year commitments.

Sec. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 17, 1982, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) March 15, 1983, whichever first occurs.

Sec. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such projects or activity are available under this joint resolution.

Sec. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 105. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Sec. 106. No provision in any appropriation Act for the fiscal year 1983 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

Sec. 107. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending September 30, 1983, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or an employee covered by section 5348 of that title, in an amount which exceeds—

(1) for the period from October 1, 1982, until the next applicable wage survey adjustment becomes effective, the rate which was payable for the applicable grade and step to such employee under the applicable wage schedule that was in effect and payable on September 30, 1982; and

(2) for the period consisting of the remainder of the fiscal year ending September 30, 1983, a rate which exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1983.

(b) Notwithstanding the provisions of section 9(b) of Public Law 92-392 or section 704(b) of the Civil Service Reform Act of 1978, the provisions of subsection (a) of this section shall apply (in such manner as the Office of Personnel Management shall prescribe) to prevailing rate employees to whom such section 9(b) applies, except that the provisions of subsection (a) may not apply to any increase in a wage schedule or

rate which is required by the terms of a contract entered into before the date of enactment of this Act.

(c) For the purposes of subsection (a) of this section, the rate payable to any employee who is covered by this section and who is paid from a schedule which was not in existence on September 30, 1982, shall be determined under regulations prescribed by the President.

(d) The provisions of this section shall apply only with respect to pay for services performed by affected employees after the date of enactment of this Act.

(e) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

Sec. 108. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted: *Provided*, That no part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year 1982.

(INCLUDING TRANSFER OF FUNDS)

Sec. 109. Notwithstanding any other provision of this joint resolution, the following administrative provision shall apply to the Veterans Administration: The \$35,000,000 limitation on Veterans Administration medical automatic data processing services carried in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1983 (Public Law 97-272), is hereby repealed: *Provided*, That none of the funds which are made available by this or any other Act shall be used to further develop, implement, install, administer, operate, or maintain the computerized medical information support system (COMISS) as described in the VA ADP and Telecommunications Plan, fiscal years 1984-1987, dated September 1982, except to administer, operate and maintain the currently operational outpatient automated pharmacy, prescription, labeling, and editing system (APPLES) at locations where such system is currently operating: *Provided further*, That fifty-two of the full-time equivalent employment (FTEE) ceiling assigned to the Office of Data Management and Telecommunications for the development of COMISS shall immediately be transferred to the Department of Medicine and Surgery to support the decentralized hospital computer program: *Provided further*, That the FTEE ceiling for the Office of Data Man-

agement and Telecommunications in fiscal year 1983 shall not exceed one thousand nine hundred and thirty-four, including not to exceed one FTEE located in the Central Office to support APPLES: *Provided further*, That \$1,000,000 of the amount appropriated to the "General operating expenses" account in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1983 (Public Law 97-272), is hereby transferred to the "Medical care" account to support the transferred FTEE.

Sec. 110. Notwithstanding any other provision of this joint resolution, moneys deposited into the National Defense Stockpile Transaction Fund under section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) are hereby made available, subject to such limitations as may be provided in appropriation Acts and in section 5(a)(1) of such Act, until expended for the acquisition of strategic and critical materials under section 6(a)(1) of such Act (and for transportation and other incidental expenses related to such acquisition). This paragraph applies without fiscal year limitation to moneys deposited into the fund before, on, or after October 1, 1982: *Provided*, That during the fiscal year ending on September 30, 1983, not more than \$120,000,000 in addition to amounts previously appropriated in prior years, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition.

Sec. 111. Notwithstanding section 102(c) of this joint resolution, subsection (c) of section 4 of the Commission on Wartime Relocation and Internment of Civilians Act (50 U.S.C. App. 1981 note) is amended by striking out "shall submit" and all that follows through the end of the subsection and inserting in lieu thereof "may make available to the public such interim findings and other information as it deems appropriate and shall submit a written report of its findings and recommendations to Congress not later than June 30, 1983."

Sec. 112. Notwithstanding any other provision of this joint resolution the Postal Service shall continue six-day delivery of mail and rural delivery of mail shall continue at the 1982 level.

Sec. 113. Notwithstanding any other provision of this joint resolution, except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 4(d)(1) of Public Law 96-312 and section 603 of Public Law 94-579, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, none of the funds provided in this joint resolution shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or

allocated to further planning in Executive Communication 1504, Ninety-Sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas: *Provided*, That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning or within any lands designated by Congress as wilderness study areas, under leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982.

Sec. 114. No reduction in the amount payable to any State under title IV of the Social Security Act with respect to any of the fiscal years 1977 through 1983 shall be made prior to the date on which this resolution expires on account of the provisions of section 403(h) of such Act.

Sec. 115. Notwithstanding any other provision of law or this joint resolution, except section 102, an amount for those International Financial Institutions referred to in title I of Public Law 97-121, the Foreign Assistance and Related Program Appropriations Act, 1982, as is equal to the total for such institutions in that title, may be allocated by the President among those institutions in a manner which does not exceed the limits established in authorizing legislation.

Sec. 116. Notwithstanding any other provision of this joint resolution or any other provision of law, none of the funds made available under this resolution or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other non-cost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

Sec. 117. Notwithstanding any other provision of this joint resolution, there is appropriated to the Department of the Treasury \$248,000,000 for "Salaries and expenses", Bureau of Government Financial Operations; \$553,700,000 for "Salaries and expenses", United States Customs Service; and \$235,000,000 for "Salaries and expenses", United States Secret Service.

Sec. 118. Such amounts as may be necessary for continuing activities conducted pursuant to section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended, which were conducted in the fiscal year 1982, under the terms and conditions and at a rate to maintain current operating levels.

Sec. 119. None of the funds provided by this joint resolution may be expended by the Department of the Interior for the procurement, leasing, bidding, exploration, or development of lands within the Department of the Interior Central and Northern California Planning Area which lie north of the line between the row of blocks numbered N808 and the row of blocks numbered N809 of the Universal Transverse Mercator Grid System.

Sec. 120. Notwithstanding any other provision of this joint resolution, none of the funds made available by this Act shall be used to reduce the number of positions allocated to taxpayer service activities below

fiscal year 1982 levels or to reduce the number of positions allocated to any other direct taxpayer assistance functions below fiscal year 1982 levels, including but not limited to, toll free telephone tax law assistance and Internal Revenue Service walk-in assistance available at Internal Revenue Service field offices.

SEC. 121. Notwithstanding any other provision of this joint resolution, none of the funds made available to the General Services Administration under this Act shall be obligated or expended after date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position described in section 3310 of title 5, United States Code.

SEC. 122. Notwithstanding any other provision of this joint resolution, funds available to the Federal Building Fund within the General Services Administration may be used to initiate new construction, purchase, advance design, and repairs and alteration line-item projects which are included in the Treasury, Postal Service and General Government Appropriation Act, 1983, as passed by the House or the Senate.

SEC. 123. Section 305(b) of Public Law 97-253 is amended by inserting before the period the following: ", except for those individuals who serve three days or less in the month of retirement".

SEC. 124. No funds appropriated by this joint resolution or any other Act may be used to enter into a restructured contract of the National Aeronautics and Space Administration for tracking and data relay satellite services if the estimated impact on total program cost of such restructured contract exceeds \$216,000,000, or if the estimated total cost of the restructured tracking and data relay satellite services program exceeds \$2,704,000,000, unless the Committees on Appropriations, having been apprised of higher estimates by the Administrator of the National Aeronautics and Space Administration, approve entering into such contract; *Provided*, That if at any time the Administrator of the National Aeronautics and Space Administration estimates that the total cost of the tracking and data relay satellite services program will exceed \$2,704,000,000 or that the impact on total cost of restructuring the contract for such services will exceed \$216,000,000, he shall promptly notify the Committees on Appropriations and shall take no actions that would cause such costs to increase without the approval of the Committees on Appropriations.

SEC. 125. Of the funds made available to the Department of Defense by this joint resolution, \$200,000 shall be transferred to the Department of Education which shall grant such sum to the Board of Education of the Highland Falls-Fort Montgomery, New York central school district. The funds transferred by this section shall be in addition to any assistance to which the Board may be entitled under subchapter 1, chapter 13 of title 20 United States Code.

SEC. 126. The provisions of H. Res. 611, 97th Congress, approved November 30, 1982, relating to the House of Representatives Page Board, shall be the permanent law with respect thereto.

SEC. 127. (a)(1) Except as provided by paragraph (2), no Member may, in any calendar year beginning after December 31, 1982, have outside earned income attributable to such calendar year which is in excess

of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(2) In the case of any individual who becomes a Member during any calendar year beginning after December 31, 1982, such Member may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(b) For purposes of subsection (a), honoraria shall be attributable to the calendar year in which payment is received.

(c) For the purposes of this section—

(1) "Member" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(2) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for purposes of this paragraph in any actual and necessary travel expenses incurred by the Member to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that they are not paid or reimbursed;

(3) "travel expenses" means, with respect to a Member, the cost of transportation, and the cost of lodging and meals while away from his residence or the Greater Washington, District of Columbia, metropolitan area; and

(4) "outside earned income" means, with respect to a Member, wages, salaries, professional fees, honorariums, and other amounts (other than copyright royalties) received or to be received as compensation for personal services actually rendered but does not include—

(A) the salary of such Member as a Member;

(B) any compensation derived by such Member for personal services actually rendered prior to the effective date of this section or becoming such a Member, whichever occurs later;

(C) any amount paid by, or on behalf of, a Member to a tax-qualified pension, profit-sharing, or stock bonus plan and received by such Member from such a plan; and

(D) in the case of a Member engaged in a trade or business in which the Member or his family holds a controlling interest and in which both personal services and capital are income-producing factors, any amount received by such Member so long as the personal services actually rendered by the Member in the trade or business do not generate a significant amount of income.

Outside earned income shall be determined without regard to any community property law.

(d) This section shall take effect on the date of the enactment of this Act.

TITLE II

MEETING OUR ECONOMIC PROBLEMS WITH ESSENTIAL PRODUCTIVE JOBS

CONGRESSIONAL FINDINGS

SEC. 201. The Congress finds that unemployment has increased to 10.8 per centum on a national basis, reaching a national high of 17.2 per centum in the State of Michigan. Actual filings of business-related bankruptcies for the year ending June 30, 1982, reached a total of seventy-seven thousand five hundred and three as compared with a

prior year figure of sixty-six thousand three hundred and thirty-two and business failures, as reported by Dun and Bradstreet, are up 49 per centum compared to one year ago. Only 35.7 per centum of the raw domestic steel industry's capacity is currently being utilized which represents the lowest capacity since 1932. The American farmer is more than \$200,000,000,000 in debt, financed at rates ranging between 15 and 20 per centum, with higher costs and lower prices. The Trade Adjustment Assistance Administration of the Department of Labor has certified that five hundred and ten thousand are unemployed as a result of foreign automobile imports. During the 1975 recession approximately 76 per centum of unemployed workers were covered by some form of unemployment benefit and today only 49 per centum are currently covered. Long-term economic stability can only be achieved through the private sector where existing Federal domestic and foreign policies are inadequate to provide means for the recovery of major and minor industries, of large and small businesses, or of United States agricultural production, which is being held off world markets by refusing to sell at competitive prices. Today every possible means must be made to increase American production to sell American, instead of continuing to make competitors out of customers. The current unacceptable level of unemployment which has not existed since the Great Depression prior to World War II creates an economic and humanitarian problem too serious to ignore, and since a strong and viable economy is an essential ingredient of our national security and the efforts to increase our military capability and readiness. Unemployment compensation has reached an annual rate of over \$20,000,000,000, and now hundreds of thousands of workers have exhausted the period of time for which they are entitled to draw unemployment compensation at a time when the material wealth of the Nation is being allowed to deteriorate in the watersheds, rivers and harbors, and that in the interest of the Nation immediate steps should be taken to retain and restore our physical wealth. It is essential that interest rates, which have been reduced following a General Accounting Office investigation of the Federal Reserve System at the request of the committee, continue at present or lower rates for industrial and agricultural recovery.

SEC. 202. The appropriate committees of the Congress are directed to study the current economic crisis with specific emphasis to long-term recovery, and a strong private sector based on a cooperative Government/industry partnership; and that these findings be presented to the respective Houses of the Congress by no later than March 15, 1983, for appropriate action.

SEC. 203. The Board of Governors of the Federal Reserve and the Federal Open Market Committee should take such actions as are necessary to achieve and maintain a level of interest rates low enough to generate significant economic growth and thereby reduce the current intolerable level of unemployment.

SEC. 204. In an effort to reduce unemployment cost, to increase the benefit of expenditures, and to put people back to productive work, where the benefits of the efforts will be of value, notwithstanding any other provision of this joint resolution, the following sums are appropriated, in addition to amounts otherwise made available, out of any money in the Treasury not otherwise

appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1983, and for other purposes, namely:

MAINTAINING AND PROTECTING PUBLIC INVESTMENT

FEDERAL BUILDINGS

In order to assist in reducing the backlog of needed maintenance and repair of Federal buildings across the Nation, \$200,000,000 for payment to the "Federal Buildings Fund", General Services Administration, to remain available until expended, which shall be available under the subactivity "Alterations and repairs" for projects which do not require prospectuses.

REBUILDING AMERICA'S HIGHWAYS

To accelerate the construction and reconstruction of the Nation's highways, to improve safety on the Nation's highways, and to provide for productive jobs, an additional amount of \$200,000,000, to remain available until expended, for "Interstate transfer grants—highways", Federal Highway Administration, Department of Transportation.

IMPROVING MASS TRANSPORTATION

To accelerate the improvement of urban mass transportation systems, and to provide for productive jobs, an additional amount of \$50,000,000, to remain available until expended, for "Interstate transfer grants—transit", Urban Mass Transportation Administration, Department of Transportation.

IMPROVING THE SAFETY OF RAIL PASSENGERS

To ensure the safety of those traveling in the Nation's most heavily traveled rail corridor and to provide for productive jobs, \$100,000,000, to remain available until expended, for the rehabilitation (including repair, reconstruction, replacement, or elimination) of highway bridges which cross over the Northeast corridor rail transportation properties conveyed pursuant to section 701(b) of Public Law 94-210: *Provided*, That a State identifies such bridge as constituting a potential danger to motorists, pedestrians, or rail operations.

REBUILDING RAILROAD INFRASTRUCTURE

To provide for the improvement of railroad rights-of-way, and to provide for productive jobs, the Secretary of Transportation shall make capital grants to the National Railroad Passenger Corporation of \$90,000,000, to remain available until expended.

IMPROVING FACILITIES AND SERVICES PROVIDED TO VETERANS

For an additional amount for "Medical care", Veterans Administration, \$50,000,000, to create productive jobs to improve the facilities and care being provided to veterans throughout the country.

PUBLIC HOUSING MODERNIZATION

The amount of contracts for annual contributions provided under the heading "Annual contributions for assisted housing" in section 101(g) of this joint resolution is hereby increased by \$10,000,000, to be made available on the same terms as other authority provided under that heading to create jobs in the construction and other related trades which will result in the production of real assets in the modernization of existing low-income housing projects: *Provided*, That the total new budget authority provided under that heading in said section shall be increased by \$200,000,000.

COMMUNITY DEVELOPMENT

For an additional amount for "Community development grants," to be made available to metropolitan cities and urban counties in accordance with the provisions of section 106(b) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), to create jobs in communities throughout the country through the funding of local community development programs and to produce real assets for the American people as a result thereof, \$1,000,000,000, to remain available until September 30, 1985.

COMPETITION IN WORLD MARKETS

In light of increased export subsidies being made by foreign governments, or frequently through Government-owned corporations, and the resulting disadvantage it places upon American sales abroad, and the overall effect on free trade and world competition, and American balance of payments, a study is directed to be conducted by the Secretary of the Treasury and the Secretary of Commerce, with cooperation of the American business community, to examine the current trade crisis with the objective of making American exports more competitive in world markets and strengthening our commitment to "Sell American", there is hereby appropriated to the International Trade Administration, Department of Commerce, \$200,000 for necessary expenses, including the hiring of consultants, as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

INCREASING LOCAL ECONOMIC DEVELOPMENT

Toward the objective of restoring the prior level of Federal support for economic development purposes throughout a wide geographic area as provided for by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, an additional amount of \$200,000,000 is appropriated for "Economic development assistance programs", Economic Development Administration.

INCREASING SMALL BUSINESS ACTIVITIES

For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, \$2,000,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be incurred by the "Business loan and investment fund", authorized by section 7(a) of the Small Business Act, as amended, \$230,000,000, to remain available without fiscal year limitation, to help small businesses throughout the Nation to employ additional personnel thus increasing jobs in the private sector.

DEVELOPING PARKS AND RECREATION AREAS

For grants to any State government or agency thereof or public institution of higher education for small business oriented employment or national resources development programs, pursuant to section 21(a)(1) of the Small Business Act, an additional amount of \$50,000,000 is appropriated for the "Business Loan and Investment Fund".

IMPROVING AND CREATING PARKS AND RECREATIONAL FACILITIES

To provide productive jobs to improve urban parks, there is appropriated for expenses necessary for the "Urban Parks and Recreation Fund" for rehabilitation grants and innovation grants only, under the provisions of the Urban Park and Recreation Re-

covery Act of 1978 (title 10 of Public Law 95-625), \$100,000,000, to remain available until expended.

To provide jobs to sustain programs of improvement and maintenance of park service roads, trails, and other existing facilities which will receive an estimated three hundred and fifty-eight million visits in 1983, there is appropriated an additional \$50,000,000 for "Operation of the National Park System", National Park Service.

PRESERVING THE NATIONAL FOREST SYSTEM

In order to provide jobs to improve and maintain forest roads, trails, and other existing facilities which are part of the real wealth of this country, there is appropriated an additional amount of \$25,000,000, to remain available for obligation until September 30, 1984, for the "National Forest System".

In order to provide jobs which will result in the construction of real assets for this country, an additional amount of \$20,000,000 is appropriated, to remain available until expended, for "Construction", Forest Service.

IMPROVING INDIAN HEALTH FACILITIES

In order to provide for construction, repair and improvements, and other services to Indians and to create productive jobs which provide these increased levels of services, there is appropriated an additional amount of \$50,000,000, to remain available until expended, for "Indian Health Facilities".

IMPROVING FISH AND WILDLIFE SERVICE FACILITIES

In order to provide jobs for the necessary maintenance of wildlife refuges, fish hatcheries, and research facilities, thus increasing the natural resources across the Nation under the jurisdiction of the United States Fish and Wildlife Service, Department of the Interior, there is appropriated an additional \$25,000,000, for "Resource Management".

ASSISTING IN RURAL DEVELOPMENT AND RESOURCE CONSERVATION

In order to provide assistance for basic human amenities, to alleviate health hazards, to promote stability of rural areas by meeting the need for new and improved rural water and waste disposal systems and to meet national safe drinking water and clean water standards and to create jobs to assist in achieving these objectives which increase the real wealth of this country, there is appropriated an additional amount of \$200,000,000 for "Rural Water and Waste Disposal Grants", Farmers Home Administration, Department of Agriculture, to remain available until expended.

In order to assist eligible borrowers such as communities and others to provide assistance for basic human amenities, alleviate health hazards and promote the orderly growth of rural areas by meeting the need for the financing of new and improved rural water and waste disposal systems and meet the National Clean Water Standards and the Safe Drinking Water Act and to assist in achieving these objectives which create and conserve real wealth throughout the country, \$600,000,000 for additional loans to be insured, or made to be sold and insured, under the "Rural Development Insurance Fund", Farmers Home Administration, Department of Agriculture in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661-664.

For an additional amount for "Salaries and Expenses", Farmers Home Administration, Department of Agriculture, \$6,500,000.

In order to assist States, local units of government, groups and individuals in developing area plans for resource conservation and development and to create jobs to increase and conserve the real wealth of this country, there is appropriated an additional amount for "Resource Conservation and Development", Soil Conservation Service, Department of Agriculture, \$15,000,000, to remain available until expended.

INCREASING THE EFFECTIVENESS OF SOIL CONSERVATION ACTIVITIES

In order to assist in installing works of improvement; reduce damage from floodwater sediment and erosion; for the conservation, development, utilization and disposal of water; and for the conservation and proper utilization of land, there is appropriated an additional amount for "Watershed and Flood Prevention Operations", Soil Conservation Service, Department of Agriculture, and to assist in providing jobs which will increase and conserve the real wealth of this country, \$100,000,000, to remain available until expended: *Provided*, That an additional \$25,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663).

FEDERAL, STATE, AND LOCAL PRISON MODERNIZATION

In order to provide jobs in the construction industry and related trades, for planning, acquisition of sites and remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, for "Buildings and facilities", Federal Prison System, Department of Justice, \$95,000,000, to remain available until expended: *Provided*, That of this amount, \$40,000,000 shall be transferred to "Support of United States Prisoners", Legal Activities for the Cooperative Agreement Program for the purpose of renovating, constructing and equipping State and local jail facilities that confine Federal prisoners.

ENHANCEMENT OF WATER RESOURCE AND HYDROELECTRIC POWER BENEFITS

To improve flood control, shore protection, and other measures as authorized by law, to provide water resource and hydroelectric power benefits, to assist in the generation of productive jobs, an additional amount of \$40,723,000, to remain available until expended, is hereby appropriated for "Construction, general", Corps of Engineers—Civil, Department of the Army.

To maintain harbor channels and other navigable waterways essential to the conduct of commerce, to preserve and operate existing river and harbor and flood control measures which will protect the real wealth of the Nation, and to assist in the creation of productive jobs, an additional amount of \$65,000,000, to remain available until expended, is hereby appropriated for "Operation and maintenance, general", Corps of Engineers—Civil, Department of the Army.

To construct and maintain flood control measures and to assist in the generation of productive jobs, for the river system which drains more than two-fifths of the Nation, to perform necessary rescue work, and repair and restoration of flood control projects as authorized by law, an additional amount of \$40,000,000, to remain available until expended, is hereby appropriated for

"Flood control, Mississippi River and tributaries", Corps of Engineers—Civil, Department of the Army.

RECLAMATION AND IRRIGATION PROJECTS

To accelerate the completion of projects which will provide additional industrial and municipal water, irrigation water, and hydroelectric capability and to generate productive jobs, an additional amount of \$10,400,000, to remain available until expended, is hereby appropriated for "Construction program", Bureau of Reclamation, Department of the Interior.

To accelerate hydrogenerator uprating, soil and moisture conservation operations on reclamation projects, levee construction, improvements of recreation areas, and to assist in creating new productive jobs, an additional \$21,200,000, to remain available until expended, is hereby appropriated for "Operation and maintenance", Bureau of Reclamation, Department of the Interior.

EMERGENCY PRODUCTIVE JOBS

(a) There is hereby appropriated to the Department of Labor \$1,000,000,000 for the purpose of providing productive jobs in accordance with the provisions of this heading.

(b)(1) No individual employed with funds available under this heading—

(A) shall be eligible for unemployment compensation during the period of productive job employment under this heading; or
(B) shall be paid except upon certification in writing by the supervising official that such job was performed.

(2) Individuals employed with funds available under this heading—

(A) shall be certified by the State employment service as unemployed at the time of such certification and for at least fifteen of the twenty-six weeks immediately prior to such certification, in accordance with criteria established by the Secretary of Labor, with priority given those who are not currently eligible for unemployment compensation;

(B) shall be paid at a rate which shall not be less than the highest of (i) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938, (ii) the minimum wage under the applicable State or local minimum wage law, or (iii) the prevailing rates of pay for individuals employed in similar occupations by the same employer, but in no case shall the Federal contribution to such wage exceed \$10,000 per annum; and

(C) subject to paragraph (1)(A), shall be provided benefits and employment conditions comparable to the benefits and conditions provided to others employed in similar occupations by the same employer.

(3)(A) No currently employed worker shall be displaced by any individual employed with funds available under this heading, including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits.

(B) Not more than 15 per centum of the funds provided to any eligible entity under this heading may be used for the cost of administration.

(c) Funds available under this heading may be used for the purpose of providing unemployed individuals with temporary employment for not more than six months in repair, maintenance, and rehabilitation of public facilities and in the conservation, rehabilitation, and improvement of public lands. Such employment shall be in one or more of the following areas:

(1) road and street repair,

(2) bridge painting and repair,

(3) repair and rehabilitation of public buildings,

(4) repair and rehabilitation of water systems,

(5) erosion, flood, drought, and storm damage assistance and control,

(6) removal of refuse from drainage ditches, illegal dumping sites, and other public areas,

(7) park and playground rehabilitation,

(8) installation and repair of drainage pipes and catch basins in areas subject to flooding,

(9) stream, lake, and waterfront harbor and port improvement and pollution control,

(10) forestry, nursery, and silvicultural operations,

(11) fish culture and habitat maintenance and improvement,

(12) rangeland conservation, rehabilitation, and improvement,

(13) installation of graded ramps for the handicapped, and

(14) energy conservation.

(d) Funds available under this heading shall be allocated as follows:

(1)(A) Eighty-three per centum of the funds available under this heading shall be allocated among eligible entities which, during the three months preceding the date of allocation for which satisfactory data are available, had an average rate of unemployment in excess of 9 per centum.

(B) In making such allocation, the Secretary shall allocate 50 per centum of the funds under this paragraph on the basis of the relative number of unemployed persons, 25 per centum of such funds on the basis of the relative number of unemployed persons residing in areas of substantial unemployment (determined in accordance with section 4(3) of the Job Training Partnership Act), and 25 per centum of such funds on the basis of the relative excess number of unemployed persons (in excess of 4.5 per centum of the labor force).

(2) Five per centum of the funds available under this heading shall be allocated, in the manner prescribed in paragraph (1)(B), among States which are not eligible for an allocation under paragraph (1) for the purposes of serving units of general local government which are not eligible entities but which, during the three months most recently preceding the date of allocation for which satisfactory data are available, had an average rate of unemployment in excess of 9 per centum.

(3) Two per centum of the funds available under this heading shall be allocated among Native American tribes, bands, and groups for use in meeting the need for employment and training and related services of such tribes, bands, and groups.

(4)(A) The remainder of the funds available under this heading shall be allocated, in the manner prescribed in paragraph (1)(B), among eligible entities which are not eligible for an allocation under paragraph (1) for the purpose of serving a locality—

(i) which has had a large scale loss of jobs caused by the closing of a facility, mass layoffs, natural disasters, or similar circumstances, or

(ii) which has experienced a sudden or severe economic dislocation.

(B) In expending funds from such allocation in the case of an eligible entity serving two or more such localities, the eligible entity shall take into consideration the severity of unemployment in each such locality.

(e)(1) For purposes of this heading an eligible entity is—

(A) a unit of general local government with a population equaling or exceeding fifty thousand persons, or a consortium including such a unit and other units of general local government;

(B) a concentrated employment program grantee (serving a rural area); or

(C) a State.

(2) A State shall not qualify as an eligible entity with respect to an area served by another eligible entity. A larger unit of general local government shall not qualify as an eligible entity with respect to an area served by a smaller such unit.

(3) For purposes of this heading, the term "State" means each of the several States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(f) The Secretary of Labor shall notify recipients within thirty days after the date of enactment of this Act of the allocation of funds appropriated herein.

(g) The Comptroller General, the Secretary of Labor, and the Inspector General of the Department of Labor shall have the same authority with respect to funds available under this heading as is contained in sections 163, 164, 165 (a) and (b) and 166 of the Job Training Partnership Act with respect to funds available under that Act. The fiscal control and fund accounting procedures applicable to funds made available under that Act shall also apply to funds available under this heading.

(h) The Secretary of Labor shall promulgate such rules and regulations as may be necessary to carry out the purposes of this heading no later than thirty days after the date of enactment of this Act.

EMPLOYMENT AND TRAINING ASSISTANCE

For an additional amount for "Employment and training assistance", \$232,400,000, of which \$200,000,000 shall be for carrying out title III of the Job Training Partnership Act (Public Law 97-300).

INCREASING ASSISTANCE TO THE UNEMPLOYED THROUGH EMPLOYMENT SERVICES

For an additional amount for "Grants to States for unemployment insurance and employment services", from the Employment Security Administration Account in the Unemployment Trust Fund, \$339,000,000, of which \$272,250,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived.

ASSISTANCE THROUGH DAY CARE SERVICES

There is hereby appropriated for allotments under section 2003 of the Social Security Act for the fiscal year 1983, in addition to any other allotment under subsection (c)(2) of such section 2003, the sum of \$50,000,000, to be used by the States and other jurisdictions receiving such allotments only for child day care services in accordance with the last sentence of such section 2003.

Section 2003(c) of the Social Security Act is amended—

(1) by striking out "\$2,450,000,000" in paragraph (2) and inserting in lieu thereof "\$2,500,000,000"; and

(2) by adding at the end thereof (after and below paragraph (5)) the following new sentence: "Of the amount specified for purposes of subsections (a) and (b) in paragraph (2) (for the fiscal year 1983), \$50,000,000 shall be available only for purposes of child day care services, including but not limited to services described in section 2007."

INCREASING HEALTH SERVICE ACTIVITIES

For an additional amount for "Health services", \$15,000,000: *Provided*, That these funds shall be for the provision of home health care services at community and migrant health centers authorized under titles III and XIX of the Public Health Service Act, in order to provide productive jobs to render health services throughout the country.

OTHER PRODUCTIVE ACTIVITIES

Notwithstanding any other provision of law or this joint resolution, appropriations for the Yatesville Lake construction project shall be made available for obligation in the amount designated for that project in title II of H.R. 7145, the Energy and Water Development Appropriation Act, 1983, as reported in the House of Representatives.

FOOD DISTRIBUTION AND EMERGENCY SHELTERS

There is hereby appropriated \$50,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program. Notwithstanding any other provision of this joint resolution or any other Act, such amount shall be made available under the terms and conditions of the following paragraphs:

The Director of the Federal Emergency Management Agency shall award a grant for \$50,000,000 within forty-five days after enactment of this joint resolution to the United Way of America for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations.

As soon as practicable after enactment of this joint resolution, the United Way of America shall constitute a special board for the purpose of determining how the program funds are to be distributed. The special board shall consist of seven members. The United Way of America, the Salvation Army, the Council of Churches, the National Conference of Catholic Charities, and the Council of Jewish Federations, Inc. shall each designate a representative to sit on the board. The United Way of America shall name two other private voluntary organizations which shall also designate representatives to sit on the board.

Eligible private voluntary organizations should be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

Participation in the program should be based upon a private voluntary organization's ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the special board.

Administrative costs shall be limited to 2 per centum of the total appropriation.

As authorized by the Charter of the Commodity Credit Corporation, the Corporation shall process and distribute surplus food owned or to be purchased by the Corporation under the food distribution and emergency shelter program in cooperation with

the Federal Emergency Management Agency (FEMA).

CONSTRUCTION AND MODERNIZATION OF HOUSING UNITS FOR MILITARY FAMILIES

In order to accelerate the construction and maintenance of family housing, to increase the quality of life of military personnel and their families, and to stimulate jobs in the construction industry and its related trades, there is appropriated for expenses of family housing for the Army for construction, including addition, expansion, extension and alteration, and for maintenance, as follows: for Construction, \$86,490,000; for Maintenance, \$154,242,000; in all, \$240,732,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1987.

In order to accelerate the construction and maintenance of family housing, to increase the quality of life of military personnel and their families, and to stimulate jobs in the construction industry and its related trades, there is appropriated for expenses of family housing for the Navy and Marine Corps for construction, including addition, expansion, extension and alteration, and for maintenance, as follows: for Construction, \$40,653,000; for Maintenance, \$32,301,000; in all, \$72,954,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1987.

In order to accelerate the construction and maintenance of family housing, to increase the quality of life of military personnel and their families, and to stimulate jobs in the construction industry and its related trades, there is appropriated for expenses of family housing for the Air Force for construction, including addition, expansion, extension and alteration, and for maintenance, as follows: for Construction, \$45,310,000; for Maintenance, \$130,489,000; in all, \$175,799,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1987.

LOW-INCOME ENERGY CONSERVATION

In order to create productive jobs in manufacturing and installation of weatherproofing products, there is appropriated an additional amount for "Energy conservation," Department of Energy, \$250,000,000, to remain available until expended for low-income weatherization: *Provided*, That funds for low-income weatherization activities appropriated under this joint resolution shall be expended according to the regulations pertaining to the maximum allowable expenditures per dwelling unit which were in effect on October 1, 1982, and to the regulations pertaining to priority in providing weatherization assistance which were in effect on October 1, 1982.

SCHEDULED MOTOR VEHICLE PROCUREMENT

In order to assure the timely replacement of planned Federal motor vehicle replacement by American plants in accordance with established practices which will stimulate jobs in assembly plants and facilities of related suppliers, \$100,000,000 for the General Services Administration to increase the capital of the General Supply Fund, established by section 109 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 756), for the purchase of motor vehicles: *Provided*, That the funds made available by this appropriation may be used only to procure domestically manufactured vehicles.

AVAILABILITY OF FUNDS

No part of any appropriation contained in this title shall remain available for obliga-

tion beyond the current fiscal year unless expressly so provided herein.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: Page 27, immediately after line 9, insert the following new section:

"SEC. 128. Notwithstanding any other provision of this joint resolution, for an additional amount for the Peace Corps, \$25,000,000, which shall remain available to be expended as follows: 50 percent during fiscal year 1983, 30 percent during fiscal year 1985."

The CHAIRMAN. Pursuant to the rule, the gentleman from California (Mr. EDWARDS) will be recognized for 15 minutes, and a Member opposed to said amendment will be recognized for 15 minutes.

The Chair recognizes the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, this amendment would grant additional funding for the Peace Corps in the amount of \$25 million over the next 3 years, and I offer this in cooperation and jointly with the gentleman from Iowa (Mr. LEACH).

Mr. Chairman, the Peace Corps recruits and funds about 2,800 new volunteers each year. At present there are approximately 4,700 Peace Corps volunteers in various nations around the world. However, the Peace Corps needs about 1,800 to 2,200 additional volunteers over the next few years to meet the growing demands for its help throughout the world. It costs about \$20,000 for each volunteer in the Peace Corps, and to support and maintain their facilities around the world.

We are all well aware of the fine job that the Peace Corps is doing all over the world. Their mission is not just to give one-time aid and assistance, but to help the people in developing nations to develop self-sufficiency and independence. However, they cannot continue to do this job without additional appropriations. The amendment which the gentleman from Iowa and I now propose would appropriate \$25 million in additional funds from the continuing resolution for funding of the Peace Corps over the next 3 years. The amendment would appropriate 50 percent of the \$25 million the first year, 30 percent the following year, and the final 20 percent the third year.

Adoption of this amendment would enable the Peace Corps to continue to assist those who are in need throughout the rest of the world.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, I would make two brief points. One is that by perspec-

tive, the House should understand that the Peace Corps at its peak had 15,000 volunteers. Now it has about 5,000. We have, in other words cut the Peace Corps by two-thirds at the same time we have increased defense expenditures rather dramatically.

One of the ways the U.S. Congress influences foreign policy is through the purse string. It is here, in terms of priorities, that I think a greater emphasis ought to be made, as the gentleman from California has so ably articulated, for more emphasis to be placed on jobs for peace rather than jobs for war.

With that, I congratulate the gentleman from California and would urge adoption of his amendment.

Mr. EDWARDS of California. I thank the gentleman for his comments.

Mr. Chairman, I yield to the gentleman from Maryland (Mr. LONG), the chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations.

Mr. LONG of Maryland. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from California and I agree very much on a great many of his proposals. I support the Peace Corps and have already taken action which will provide much of the increase the gentleman seeks.

The administration requested \$97 million for the Peace Corps in fiscal year 1983. With what the committee is proposing, and if we would accept the Senate figure, that would provide approximately \$12 million, which would be very close to the \$12,500,000 that the gentleman seeks for the first year. We do not ordinarily appropriate for anything further than the first year.

So this would give the gentleman practically everything he wants.

I wonder if the gentleman would withdraw his amendment in view of that? I will undertake to recommend to the conferees that they accept the Senate figure.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from Maryland (Mr. LONG), the chairman of the subcommittee, for his cooperation in this matter and, yes, I would withdraw the amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield to me before he withdraws his amendment?

Mr. EDWARDS of California. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman in the well. I strongly support him and state that HENRY REUSS and I were the original fathers of the Peace Corps. We put in the original bill, even before President Kennedy came to Washington.

They have done an outstanding job. It is one of the best segments, I would say, of our entire foreign aid program.

They have been great ambassadors for the United States. They have done a lot of good out there in the boondocks under great hardships, and they deserve our support.

Mr. Chairman, I want to join the gentleman from California. I will work with the gentleman from Maryland (Mr. LONG) in conference on this, and we will go for the high figure.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from Massachusetts very much.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

Mr. LONG of Maryland. I thank the gentleman.

The CHAIRMAN pro tempore (Mr. PEYSER). The gentleman from California (Mr. EDWARDS) requests unanimous consent that his amendment be withdrawn.

Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. SIMON

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

The Clerk read as follows:

Amendment offered by Mr. SIMON:

Page 4, line 15, immediately after "(b)" insert "(1)"; and on page 6, immediately after line 5, insert the following new paragraph:

(2) Notwithstanding section 102 of this joint resolution, chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 128. TARGETING ASSISTANCE FOR THOSE LIVING IN ABSOLUTE POVERTY.—In carrying out this chapter, the President—

"(1) in fiscal year 1983, shall attempt to use not less than 40 percent of the funds made available to carry out this chapter, and

"(2) in fiscal year 1984 and each fiscal year thereafter, shall use not less than 50 percent of the funds made available to carry out this chapter,

to finance productive facilities, goods, and services which will expeditiously and directly benefit those living in absolute poverty (as determined under the standards for absolute poverty adopted by the International Bank for Reconstruction and Development and the International Development Association). Such facilities, goods, and services may include, for example, irrigation facilities, extension services, credit for small farmers, roads, safe drinking water supplies, and health services. Such facilities, goods, and services may not include studies, reports, technical advice, consulting services, or any other items unless (A) they are used primarily by those living in absolute poverty themselves, or (B) they constitute research which produces or aims to produce techniques, seeds, or other items to be primarily used by those living in absolute poverty. Research shall not constitute the major part of such facilities, goods, and services."

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SIMON) will be recognized for 15 minutes, and a Member opposed to said amendment will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment in behalf of my colleague, the gentleman from New York (Mr. GILMAN) and myself, an amendment which says basically this: that the development assistance portion of AID, 50 percent of that should go to help those who are in the most severe straits of poverty.

This is somewhat technical. We divide AID into two sections. One is the economic support fund, which includes aid to the Middle East, for example, Israel, Egypt, and that area. That totals \$2.56 billion. My amendment does not touch that. That remains safe.

The second part of AID is development assistance to go to the poorest countries where they really need help. That totals \$1.4 billion.

What we say in this amendment is that half of that ought to go to help the very poor.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to my colleague, the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

Let me say, Mr. Chairman, I rise in support of the Simon amendment, as I understand it, and I will have a question which I hope we can get clarified.

While it is true that offering such an amendment to the continuing resolution is unorthodox, the fact is that the Committee on Rules has allowed it to be considered. This is an amendment which reflects everything that I ever believed our aid program should be, if my understanding of it is correct.

There is no reason why 50 percent of our bilateral AID program cannot be targeted at those people in the developing world who are living in absolute poverty. If our AID program does not do that, what good is it?

Let me also point out that this amendment would not prohibit the expenditure of AID funds for institutional development or agricultural research; 50 percent of AID funds could still be used for these purposes. Moreover, as the amendment itself makes clear, even within the 50 percent targeted for those living in absolute poverty, this amendment would allow research which produces or aims to produce, techniques, seeds, or other items to be primarily used by those living in absolute poverty.

Let me ask the gentleman a question to clarify my understanding: It has been suggested by some that the Simon amendment would force AID to increase its funding for India, since India has the largest percentage of the world's poor who live in absolute poverty.

Could the gentleman from Illinois (Mr. SIMON) clarify this point, and would this amendment force AID to reallocate its country programs in favor of India? Would this amendment require funding to Vietnam, Angola, Cambodia, Cuba, or any other country not now allowed or provided for in our AID program?

Mr. SIMON. Mr. Chairman, I can assure the gentleman from Maryland (Mr. LONG) that this amendment does not require that one single penny be allocated to different countries than it is allocated to right now. AID would have the complete authority.

What it does do is say within countries, we have to target a little more. I would emphasize the point I was about to make: What we are saying is that if that one portion of AID, development assistance, \$700 million out of a total of \$4 billion, ought to be targeted. That, I hasten to add, is in line with what the law is right now. The law now says the Congress declares that the principal purpose of U.S. bilateral development assistance is to help the poor majority of people in developing nations.

What we are asking is, let us put some teeth in the law.

If I can make three more points, then I will yield some time, and I will certainly yield to the distinguished chairman of the Committee on Foreign Affairs.

One message has gone out that this would be of harm to research universities. We have changed the language from the original bill so that that is simply not a valid criticism any more.

Two other points: This is basically, in the same form, very similar form, to an amendment that has been unanimously adopted by the Committee on Foreign Relations of the other body.

I yield to my colleague, the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. I thank the gentleman for yielding to me. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Illinois (Mr. SIMON), the so-called targeted development aid amendment. This amendment would target initially 40 percent and by fiscal year 1984, 50 percent of this Nation's development assistance to those living in absolute poverty. As the sponsor of the legislation, H.R. 4588, the Hunger Prevention and African Food Security Act, from which the amendment before us has been fashioned, I am pleased that the House has this opportunity to consider this important measure. I would like to note that 165 of my colleagues have cosponsored H.R. 4588.

Because several proposals have been offered concerning targeted development aid, including one which the Senate Foreign Relations Committee

passed, with the support of the administration, it is understandable that some confusion exists about what the amendment before us hopes to accomplish. The amendment is essentially an effort to assure that our development assistance programs provides credence to the 1973 New Directions legislation directing the Agency for International Development to focus such programs on "helping the poor majority of people in developing countries to participate in a process of equitable growth through productive work and to influence decisions that shape their lives." Such emphasis is in contrast to earlier development emphasis which targeted assistance on larger scale projects in the hope that benefits would eventually trickle down to reach the poor. Because, we recognize that in certain instances and in certain nations, such institution-building efforts are necessary and appropriate, the amendment calls only for 50 percent of our development assistance to be targeted to finance productive facilities, goods, and services which will expeditiously and directly benefit those living in absolute poverty.

I believe the amendment is careful to recognize also that certain research, such as studies, reports, technical advice, and consulting services, can also be designed to fall within the 50-percent provision.

Accordingly, I urge my colleagues to support this amendment which I believe can help make the poor more self-reliant, a primary goal envisioned by the New Directions legislation.

□ 1415

Mr. SIMON. Mr. Chairman, I yield such time as he may consume to my colleague from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I certainly am very sympathetic with the gentleman's amendment. People who support the amendment in my district have been to see me, and I have indicated that I was sympathetic with the general approach. My question is this: To what extent does the U.S.-aid operation have control over the distribution of this assistance once it gets into the hands of the foreign country?

Suppose we allocate x millions of dollars to Lower Slobovia; how are we going to make sure that Lower Slobovia will look out for those 50 percent who are the least well equipped, the poorest, and so forth, unless we ourselves start telling the country how to do it?

Mr. SIMON. We do not simply hand money to a country. We say, "Here is money for a credit union, to help get it started," or, "here is money for a building."

We allocate money under AID for specific projects, and what we are

saying in this amendment is, let us allocate these projects so that they help the people who really need help.

Mr. STRATTON. I thank the gentleman.

Mr. SIMON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I, like everybody else, would like to see our foreign aid program on a bilateral basis be directed to the people who need it the most; we all agree with that. All of our development assistance should be directed in this way. The disagreement we may have is over the best method to achieve increased incomes and standards of living.

I want to say, as someone who has only recently taken over the ranking minority position on the committee Mr. Long mentioned, the Subcommittee on Foreign Operations, that I have been encouraged at our progress despite the fact that I have been an opponent and critic of foreign aid in the past. I think there are areas in which we need further changes, but there has been an attempt by the administration and the State Department to bring closer control over some of the targeting to which the gentleman alludes. We are now embarking on a totally new effort to channel assistance into private enterprise at the most basic level. Of course we must assist in the first instance by helping to build institutions and networks of distribution. But the goals are to service the needs of small farmers, emerging small businessmen, and even at the microbusiness level of stallkeepers and town markets.

My question is, if 70 percent, as I understand it, of the world's poor live in Southwest Asia; that is, India, Pakistan, Bangladesh, if 70 percent by definition as used in the bill live there, does the gentleman want to target more money into that area? I think that we should be very cautious in making such a decision. Poverty does not necessarily reflect the opportunities available to a nation. India, by far the most poverty stricken in terms of numbers of desperately poor people, has access to technology, education, and capital from industrialized nations. It has a solid credit rating in private markets and a vibrant and dynamic private sector which, given incentive to reach is potential, would provide a basis for greatly reducing poverty in that nation.

The CHAIRMAN. The gentleman from Illinois (Mr. SIMON) has 5 minutes remaining.

Mr. SIMON. Mr. Chairman, I yield 1 minute to the gentleman from New York.

Mr. KEMP. It seems to me that what we ought to be doing is more in Africa and Central America. My concern is that this amendment would tend to disrupt our ability to target aid

into Africa and Latin and Central America, regions with much less access to private capital than we find in Asia and regions upon which this country has tremendous hopes for the future. The amendment before us may just prevent us from moving to new nations, to new projects to bring the successes found in Asia to other continents. We should not restrict our programs in a way which limits repeating our success.

Moreover, I remind the gentleman that 60 percent of all the loan money that the World Bank, through its soft loan agency, IDA, is using goes to India, Pakistan, Bangladesh, and Southwest Asian countries. There is also a considerable volume of bilateral aid from our own and other nations. Does he want more of our scarce bilateral dollars to follow the generous support already provided through the multilateral programs? I think that we should recognize the need to allocate resources efficiently and to address the needs of all regions.

Mr. SIMON. As I indicated to the gentleman from Maryland, you can take the precise country formula we use right now as far as where we spend our dollars. There are plenty of poor in all these countries we now spend our money; in fact, you could exclude Asia if you wanted to and still live within the formula of this amendment, though obviously I would not favor that.

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

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 15 minutes.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to this amendment. As a principal author of the New Directions policy the gentleman from Illinois has referred to, I must say that the amendment he is proposing could very well be counterproductive.

I strongly endorse the purpose of the amendment, that development aid is primarily intended to help the poorest people in the poorest developing countries. I am pleased that so many of my colleagues endorse that principle, but surprised that they do not recognize the obvious pitfalls of the gentleman's proposed amendment.

Mr. SIMON's amendment is well intended, but it will be, as I said, counterproductive in trying to bring about the objectives it seeks. Now, Mr. Chairman, before speaking on the substance of the amendment, I would like to emphasize my strong view that this amendment is authorizing legislation and should be considered in conjunction with the foreign aid authorization, not in this or any other appropriation bill. I have always opposed legislation in an appropriation bill. It is not the way to legislate. If we are going to continue in that vein, we should disband the authorizing com-

mittees, but I believe legislation should be in an orderly fashion.

An amendment comparable to the one before us was considered earlier this year in the form of H.R. 4588. The committee did not accept the amendment. Instead, it agreed to keep the language reaffirming that the basic focus of development assistance is to alleviate the worst manifestations of poverty among the world's poor majority. The Foreign Affairs Committee subsequently held hearings on the issue of targeted aid, and will certainly continue its oversight of this important aspect of foreign aid.

I must oppose this amendment for several reasons. First, its meaning is difficult to understand, and I challenge my colleagues to tell me how it would be implemented. The title sounds good. It is like motherhood, but how are you going to define the absolutely poor?

Now, we are legislators; definitions are very important. How do you define the absolutely poor? The World Bank standards referred to in the amendment only produce estimates, and I stress the term "estimates" of the incidence of poverty. Do we ask AID to walk down the road asking in any of the countries considered, "Are you absolutely poor?"

Imagine what the bureaucrats can do trying to meet this requirement. AID has stated that it will cost at least an additional \$45 million in administrative costs to demonstrate compliance with this amendment. I guarantee that \$45 million would not directly or even indirectly benefit the absolutely poor.

Second, this amendment would take us back to the handout mentality of foreign aid. Perhaps the greatest contribution this country had made to relieving poverty in the developing countries has been through our support for the agricultural research responsible for the green revolution. We helped finance the research and helped countries extend the results of this research to their farmers so that countries like India, Pakistan, and Indonesia—those countries are now reaching food self-sufficiency, and many poor people are immeasurably better off.

Would such assistance for research meet the requirements of the amendment before us? I doubt it. We all know the proverb, "Give a person a fish and you will feed him for a day. Teach him to fish and you feed him for a lifetime." I am afraid that this amendment takes us back to the handing out of fish mentality.

Many persons far more knowledgeable than I about development, such as Wallace Campbell, head of CARE, one of the world's outstanding relief organizations, and Clifton Wharton, president of the board of directors of the Rockefeller Foundation and chairman

of the Board for International Food and Agricultural Development, also argue against this amendment on the grounds similar to those I have just stated.

We in Congress should be proud of the role we have played over the last 10 years in directing the U.S. aid given to developing countries be increasingly targeted in areas and programs that will benefit the poor in the world's poorest countries. I remain strongly committed to that objective.

The amendment before us, however well meaning, is misdirected. It would create a bureaucratic monstrosity and generate mountains of paper in the name of helping the poor. They cannot eat paper. It is simplistic and counterproductive, and as I said before, a motherhood proposal only seeking to do good but creating confusion and unnecessary complexity.

I urge my colleagues to reject the amendment. We want to help the poor, not smother them in bureaucracy and paper.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. BROOMFIELD), the ranking minority member of the House Foreign Affairs Committee.

Mr. BROOMFIELD. Mr. Chairman, although U.S. development assistance policy is already directed toward benefiting the "poorest of the poor," I continue to be concerned that we make every reasonable effort to improve the effectiveness of such aid in promoting self-help development for those who are most seriously affected by poverty. While we must provide not only some critical goods and services directly to the most destitute of our fellow men to assure their day-to-day survival, at the same time, we must provide them with the improved technical knowledge and skills and organizational training to permit them to take an ever more successful role in improving their own abilities to satisfy their basic human needs. Although this amendment was born of the best motives, unfortunately, it will create costly and probably insoluble administrative nightmares, with dubious effects on the prospects for self-sustaining, long-term development on which the only hope of the truly poor ultimately rests. The amendment mandates that the Agency for International Development (AID) spend not less than 50 percent of U.S. development aid to provide goods and services directly for the so-called absolute poor, as that term is defined by the World Bank. AID has estimated that it would cost at least between \$40 million and \$50 million to do the necessary baseline economic measurements to determine the incidence (percent) of absolute poverty in areas where aid projects are undertaken.

Even then, AID would not be able to demonstrate that 50 percent, or any

other fixed amount of development funds, are directly benefiting persons in the target group of the absolute poor. According to an internal World Bank report of last February "Poverty Measurements in the Bank," the primary system used by the Bank to measure absolute poverty "is unable to identify poor beneficiaries."

If the World Bank itself does not believe the state of the art in its own poverty measurement systems can identify poor beneficiaries, how can we expect AID to be able to assure us that the direct beneficiaries of a specific dollar value of our development aid are primarily persons who fall in the category of absolute poverty. Furthermore, the World Bank's absolute poverty standards, against which the amendment would require AID to measure our programs, are based on a poverty measurement system which the Bank's internal reports criticize for ignoring data on access to critical basic human needs such as potable water and health and education services. In its summary and conclusions, the World Bank's internal report last February noted that there are "some serious conceptual problems in the Bank's measurement of the absolute poor. This, together with the serious deficiency of data in most developing countries, must imply that such estimates be considered, at best, very approximate." This amendment seeks to rigidly apply poverty measurement standards to AID programs, a purpose for which the originators of the measurement standards do not consider them sufficiently precise, or capable of being made so, at this point in time.

We all agree that providing goods and services directly to the poorest beneficiaries is an important part of the humanitarian aspects of development aid.

However, setting a rigid dollar amount on such welfare-type transfers, together with the high administrative costs of trying to prove that the direct beneficiaries are individually qualified as absolutely poor, will shift scarce dollars and emphasis away from other equally important development needs. This amendment will significantly restrict funds available for training agricultural extension agents, and rural health workers, or for training and organizational development of local institutions in recipient countries to take responsibilities for and to sustain their own development process. Prestigious private groups with extensive development experience, such as CARE and the National Association of Land Grant Colleges, have recognized these shortcomings of this well-intentioned amendment, and they regretfully oppose it.

Last, burdening AID with administratively costly, highly complex, and arbitrary poverty estimation systems may force AID to focus most of its at-

tention on a few countries such as India, Indonesia, and Nigeria, with large and fairly densely located populations living in absolute poverty. Harder to reach, more dispersed pockets of absolute poverty in countries with relatively small populations, such as some extremely poor countries in the Sahel, could easily be adversely affected by the administrative ramifications of this amendment.

We must continue and strengthen our current development aid policy of seeking to eliminate the worst manifestations of poverty and actively seeking to promote self-help development.

This amendment, however appealing it sounds, will not help to meet these goals in the long run. I would urge my colleagues to vote "no."

□ 1430

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Illinois (Mr. SIMON) because I believe it contains flaws which would have the effect of preventing the very results intended by the amendment.

First, this amendment to require that AID use 50 percent of development assistance to directly benefit the absolutely poor should be included in authorizing legislation rather than in this continuing resolution. However, when the House Foreign Affairs Committee considered the Simon amendment in May of this year during markup of authorizing legislation, it was not adopted by the committee on the grounds that existing legislation already mandates that development aid focus on aid to the poorest people in developing countries which are poorest. Therefore, I do not believe it is necessary.

Furthermore, the language of the amendment does not adequately define how the poorest individuals will be identified and the amendment would be likely to result in aid being concentrated on a few countries which have the largest populations of extremely poor people.

In addition, the simplicity of the language in the Simon amendment; that is directly benefiting the absolutely poor, leaves open many questions on what direct benefits would be—would they be limited to direct handouts to the poor and thus exclude training and research programs which will benefit them?

Lastly, the additional costs of demonstrating compliance are estimated by AID to be \$45 million. Reprogramming costs would be at least \$210 million for fiscal year 1983.

Therefore, I urge the defeat of the Simon amendment. It would not ac-

comply the purpose for which it is intended.

Mr. Chairman, I join the chairman of the Committee on Foreign Affairs in opposing this amendment.

I think the points have been well made. No one doubts the proper motivation that our colleague, the gentleman from Illinois (Mr. SIMON), brings to this issue. The question is, Can it work?

I think this amendment would create an administrative monstrosity. As the gentleman from New York pointed out, it would also direct aid to a number of countries that are already receiving substantial assistance or a couple of countries, Ethiopia and Vietnam, that under other laws would not qualify for aid.

So we should keep in mind, as I think the gentleman from Illinois would, that the concept that he is approaching is good and we would all like to see it done in a better fashion, but I think the way to do it is through careful consideration by the committee. Since the foreign aid authorization bill is going to die in a few days, the committee will be back to work early in 1983 and the gentleman will have an opportunity to sell his point and see if some perfection of this idea could be developed.

But, Mr. Chairman, from a practical standpoint, I would suggest that at this time, under this particular procedure we are following, this amendment should be rejected.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, I reluctantly rise in opposition to the amendment. I must say that the gentleman from Illinois is a friend and he has a sincere motive in offering this legislation the intent of which I agree with.

I would hope that we could work together to come up with a solution to move our foreign assistance program toward the humanitarian ends that I think most Members of good will share.

The gentleman from Wisconsin (Mr. ZABLOCKI) has made an eloquent point, however, and that is this: How is it possible to administer a program where we require that 50 percent of the money go directly into the hands of a designated group of people? And it has to be on an individual basis, because if it is not on an individual basis, I say to my friend, the gentleman from Illinois, it would have to go to the government.

Does anyone really think that some of the governments of these countries are going to do for the people what we would like to see done?

Second, the gentleman from New York (Mr. GILMAN), who is equally motivated by the very highest social con-

science, has suggested that building roads and highways, building dams, and providing development projects by redirecting our foreign aid program into the type of development assistance where private enterprise and small cottage industries can start to put people back to work is trickle-down.

I know the gentleman did not mean it, but let us face it: Helping people to help themselves is, as the gentleman from Wisconsin (Mr. ZABLOCKI) pointed out, as noble a cause—indeed, it is the highest cause of true charity.

Helping people to help themselves should be the goal of foreign aid, and I would suggest that we work together to try to redirect foreign aid to that goal rather than say arbitrarily that 50 percent of all the money ought to go to one part of the world as opposed to another or to one individual, as opposed to another. I think that would be administratively impossible and would not achieve the fine goals the authors of the amendment intend.

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

Mr. KEMP. If I have any time remaining, I yield to the gentleman from New York.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. KEMP) has expired.

Mr. ZABLOCKI. Mr. Chairman, I reserve the balance of my time.

Mr. SIMON. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, many of the Members who are objecting to this amendment obviously have not read it. They talk as if we are handing out fish rather than trying to increase the ability to fish.

The amendment reads as follows:

... to finance productive facilities, goods, and services which will expeditiously benefit those living in absolute poverty.

It goes on to say:

Such facilities, goods, and services may include, for example, irrigation facilities, extension services, credit for small farmers, roads, safe drinking water supplies, and health services.

You ask, What is "poverty"? The amendment cites "the standards for absolute poverty adopted by the International Bank for Reconstruction and Development, and the International Development Association."

The CHAIRMAN pro tempore. The time of the gentleman from Maryland (Mr. LONG) has expired.

Mr. SIMON. Mr. Chairman, I think my colleague, the gentleman from Maryland (Mr. LONG) has made an extremely important point.

Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the targeted development aid amendment. As a cosponsor

of this amendment, I am pleased that my colleagues of the Rules Committee supported my effort to make the targeted development aid amendment in order to the continuing appropriation resolution.

Under the rule fashioned by the Rules Committee, only eight amendments to the continuing resolution are permitted. I am grateful that my Rules Committee colleagues agreed with me that the targeted development aid amendment deserves to be considered today by the full House.

The continuing resolution is the only possible vehicle remaining in the 97th Congress for this amendment to channel development assistance to the poorest people around the world. The House did not have the opportunity to consider a foreign aid authorization bill this year. Although the House Foreign Affairs Committee reported a supplemental authorization measure, it was not brought before the House in 1982. Similarly, a separate foreign aid appropriations bill has not been reported by the Appropriations Committee for consideration this year.

The vote we will cast today on the targeted development aid amendment is the most important international economic development vote of the 97th Congress. By voting in favor of this amendment, we will help to insure that development aid is targeted to assist the truly needy people of the developing world.

This amendment does not involve any new programs or any increases in foreign aid. Rather, it seeks to guarantee that the aid we currently send is channeled correctly and effectively.

The Agency for International Development's \$1.4 billion development assistance program is supposed to have as its "primary purpose" helping the poor in developing countries to become more productive. Yet, according to Bread for the World, only about one-fourth of U.S. development aid is directed toward helping poor people to become more productive and self-sufficient. Unfortunately, much of the money tends to be used for consultation and other administrative expenses, or else is dedicated to programs that benefit the bureaucracies or elites of the recipient nations.

For example, AID reportedly is spending \$772,000 to help the Government of Sierra Leone to collect more taxes. Neither this, nor the \$5.6 million spent to provide surveys, assessments, and seminars to the Government of Mauritania to improve its administrative procedures is likely to end up providing much direct benefit to the poor.

While there may be some long-term benefits of these types of expenditures, they are not in keeping with the spirit and intent of the development assistance program. The targeted de-

velopment aid amendment would require that 50 percent of AID's development aid go to finance productive facilities and other goods and services to be primarily used by the absolutely poor. Examples include irrigation facilities, roads, health clinics, and credit for poor people to encourage private-sector income-generating projects. It seems sensible to require that \$700 million out of the \$1.4 billion in the development assistance program be specifically earmarked for those living in absolute poverty.

In my opinion, the targeted development aid amendment actually is a conservative proposal. It is an effort to use more efficiently the present levels of funding in order to accomplish the goals already spelled out in the law governing the development assistance program. Certainly, the United States alone cannot solve the problems of global hunger and poverty. However, the efforts in this regard that we have been undertaking should be more properly focused and directed. That is the purpose of this amendment.

If we are to make the most effective use of our international expenditures, then we must emphasize projects that directly benefit the poor of the world, such as one with which I am familiar through strategies for responsible development at the University of Dayton.

Between 1976 and 1982, the University of Dayton group used an AID grant along with private funds to help five villages in Niger become self-reliant in food production. The group explored ways to control erosion, experimented with drought-resistant crops, and examined better farm management techniques.

When the first part of the project was completed, the university applied for a grant extension to continue teaching the villagers the new agricultural methods. AID did not refund the project, so the group had to leave Niger. A Canadian group which had been part of the project now continues the work alone.

If we wish to aid the poverty-stricken citizens of developing nations, we will have to fund programs like that of strategies for responsible development which provide direct benefits to those individuals on a person-to-person level. As a Peace Corps volunteer who served 2 years in Thailand, I am personally aware of the vital importance of the person-to-person approach. Assistance to help the general economy of developing nations is an important element of our foreign aid program, but it is no substitute for smaller scale direct person-to-person efforts to help the absolute poor.

At a time when we are carefully examining all Federal expenditures and attempting to get the most out of the money we spend, our citizens clearly want us to reform our approach to for-

eign aid. The targeted development aid amendment is the most important vote we will cast in this Congress to improve and redirect our international economic development program. I urge my colleagues to join with me to vote in favor of the Simon amendment.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, I thank the chairman of the committee for yielding me this time.

Mr. Chairman, I am inclined to agree with the spirit of what my friend, the gentleman from Illinois (Mr. SIMON), wants to do. Fundamentally I think all of our foreign assistance ought to go for human need programs. I do not think we ought to be giving a nickel for military assistance.

I do feel, however, my friend from Illinois addressed the wrong pot. I think it is unbelievable that we would give more money and more military and other assistance to the Middle East at a time when we have a peace initiative at hand. I think it sends the wrong signal. In addition, at a time when our own people are in great pain due to our economic problems, I do not believe taxpayers want their money increased for foreign aid.

I think the authorizing committee's figure should have stood, as opposed to the subcommittee of the Appropriations Committee adding more and more to the Middle East. I do not think they contribute to world peace by doing that, and I really feel that some of us should have the courage to speak out for the sake of world peace and the President's peace initiative in the Middle East.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, while the 50-percent provision is put forward with the very best of intentions—after all, who can oppose helping the poorest of the poor?—I do not believe that this is the best way of going about it.

This is an enormous issue, one which merits the greatest amount of attention, thought, and planning that we can possibly give it. It should be put forward as an independent piece of legislation on which a full set of hearings can be held so that we can insure that we go about this matter in the most proper and effective way and do not end up cutting off our right hand to help the left one.

If at this point we automatically allocate half of AID's budget to food and shelter for the poorest of the world's poor, we would at the same time be cutting out a great many education and economic self-help programs and would in effect be adding to the already too great number of the poorest of the poor in the world. This would affect what little we have al-

ready accomplished in helping the poor rise out of their poverty, and that will have a tremendous setback if we go ahead with this. We are also told that it will probably cost about \$40 million to determine who the poorest of the poor are.

Mr. Chairman, most of the private volunteer organizations are opposed to this legislation, and I have to admit that I was a cosponsor of it until I studied it and saw what we were doing. So I would urge that we do not move forward at this time but have a careful study of the issue.

Mr. SIMON. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. SIMON) is recognized for 2 minutes.

Mr. SIMON. Mr. Chairman, let me make several points very quickly.

No. 1, I would love to do this in a foreign aid authorization, but we know how frequently they come up.

No. 2, my distinguished colleague—and I have great respect for the chairman of the committee—says that AID says that it is going to cost \$45 million in administrative costs to do this. If that is the case, they are not living up to the law right now because the law says they ought to be primarily helping the poor, and we are trying to put some teeth into the law.

Third, I want to underline what my colleague, the chairman of the subcommittee, the gentleman from Maryland (Mr. LONG), said. It is not a question of whether we hand out fish or whether we teach people how to fish. What we are saying is, let us teach the poor to fish and not simply the wealthy in some of these countries how to fish. That is what it is all about. That is where we ought to be targeting this money.

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

Mr. SIMON. I am glad to yield to my colleague, the gentleman from New York.

Mr. GILMAN. Mr. Chairman, much has been said about the bureaucratic assistance that this amendment would require. This measure is trying to avoid unnecessary and costly bureaucracy that is tied to the present AID measures. Too many of the development projects that AID finances provide for studies and consulting with Government bureaucracies and do not directly assist the poor.

As a matter of fact, as I understand it, USAID is now spending over \$700,000 to help the Government of Sierra Leone to collect more taxes. How does that help the poor?

Similarly, \$5.6 million is being spent to provide surveys, assessments, and seminars to help the Government of Mauritania improve its administrative procedures. That expenditure certainly does not help the poor.

Mr. Chairman, this amendment is trying to avoid just that kind of unnecessary bureaucracy and that is why we are giving it favorable consideration.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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

Mr. LONG of Maryland. Mr. Chairman, let me say that the complaint here of the authorizing committee is that this is not authorized. But the Rules Committee settled that by allowing the amendment.

Let me point out in addition; that for 18 years now I have been on this committee and I have heard this stuff about how we ought to be helping the poor. The authorizing committee has still not gotten a handle on it or has not even tried. It was up to them a long time ago to try to deal with the problem. They have not done it. Most of our aid goes to the well-to-do, the well-invested the military and not to the poor who represent the real reason why we are voting foreign aid.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. SIMON) has expired.

Mr. ZABLOCKI. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I must resent the remark that the Foreign Affairs Committee was not cognizant of or was not interested in this issue.

Where was the gentleman from Maryland when the gentleman from Wisconsin was in the forefront in supporting the New Direction program, when AID programs for the poor majority were started?

As I have pointed out, this amendment would be counterproductive because it would not do what the gentleman from Maryland or the gentleman from Illinois wants to do, but it would be spent for bureaucracy and paperwork.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has expired.

Mr. ZABLOCKI. Mr. Chairman, I yield the remainder of my time to the gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 1½ minutes.

Mr. OBEY. Mr. Chairman, I would strongly urge that the committee reject the amendment offered by the gentleman from Illinois (Mr. SIMON).

It is meant to do a good thing, and the gentleman who offers it generally does good things when he offers his amendments on this floor. But the fact is that we do not know how the gentleman's proposal is going to be defined. We do not know from whom that money is going to be taken. We do know that what the gentleman is proposing is going to be extremely expensive administratively, and, there-

fore, because we do not know the specific impact, we should not be dealing with this kind of an issue on a continuing resolution. We ought to be dealing with it on a regular authorization bill or, if we can get one, perhaps on the regular appropriations bill. But this is not the place to do it.

So far as I know, our committee has held no hearings on this proposal, and I would suggest that there is also something very basically wrong with the amendment. It is fine to say emotionally that we want our AID program to help the poorest of the poor. Ideologically, that is where I come from but the fact is that many times items in the foreign aid bill which do the poorest the most good in the long run, do not start as AID programs directed primarily at the poor.

For example, let us take agricultural research. Are we going to have the poorest of the poor conduct the agricultural research, or are we going to have that agricultural research conducted by the people who know the most about growing food?

□ 1245

I just think the gentleman's proposal is well-meaning. It certainly sounds good. I can understand why groups would want to do it if they think they are going to get some of the money directed their way.

Since we are in favor of sound development, this is not the procedural way to go and it certainly is not the substantive way to go. And because of the incredible expense of administrative cost it is going to hurt the very people we want to help.

● Mr. PICKLE. Mr. Chairman, I rise in support of the Simon amendment to House Joint Resolution 631, which proposes to target existing development assistance funds toward the poorest peoples in the world. This is the right way to go, it is a compassionate way to go, it is the sensible way to go.

We are a great nation, enormously rich by comparison with other nations of the world; and I find it commendable that we have such a generous foreign assistance program. I find it commendable that we at least share a small portion of our wealth in an effort to relieve suffering in other parts of the world. But in recent years, we have discovered that our foreign aid program has not been all that effective in many areas. Perhaps of most pressing concern today is the lack of any measurable improvement in our battle against world hunger.

One area of the world warrants our immediate and special concern—the sub-Saharan region of Africa—an area in which population growth rates are increasing while food production is declining. This is a region of 20 or more poor underdeveloped countries which remain for the most part unable to

benefit from technological advances, nor able to reach minimal standards of living for the masses of the people who reside there. The amendment which we are considering today would target U.S. efforts and moneys toward productive agricultural activities. Food distribution systems would be strengthened in countries which can neither produce enough food to feed their people, nor obtain the necessary foreign exchange to purchase food on the world market. Hunger is a global problem Mr. Chairman, but it is most urgent and most immediate in sub-Saharan Africa. Our attention and our efforts should be focused on the pressing needs which present themselves in this region of the world.●

● Mr. RAHALL. Mr. Chairman, at a time when many domestic programs are being axed at the expense of vast increases in foreign aid, it is imperative that Congress scrutinize the use of our taxpayers' dollars, and in all cases ask for what purpose U.S. made weapons are being used. I regret that we must approach foreign assistance appropriations without being able to closely scrutinize the objectives of our foreign assistance program.

At a time when unemployment in our country is over 10 percent with over 12 million people out of work, we must ask ourselves how we can authorize increases in foreign aid while so many of our own people are unemployed. The authorization to the State of Israel calls for an increase of \$300 million in foreign military assistance and a "forgiveness" of some additional \$200 million in loans over the fiscal year 1982 level. The levels for this aid are authorized in the continuing appropriations resolution under H.R. 6370. This legislation was reported to the House on May 17, 1982. No action was taken on this legislation, it was never debated before the full House and now it is being used to authorize funding levels for foreign assistance to Israel and Egypt. It is unfortunate that the Members of this body were not given the opportunity to debate this important legislation before it was added to such a crucial appropriations resolution.

Furthermore, the levels of aid to the State of Israel exceed those requested by the President. It is ironic that while U.S. taxpayers are suffering from a deep recession, we are at the same time unwillingly financing an Israeli policy of expanding West Bank settlements that doom President Reagan's peace initiative in the Middle East. It is ironic that Israel receives from the United States \$627 per citizen while the citizens of Lebanon, trying to rebuild and recover from an invasion at the hands of Israel and financed by U.S. tax dollars, receive from the United States \$7.45 per citizen.

Any further widening of the gap in U.S. aid to Israel and aid to friendly Arab States, will most certainly hurt the United States in working with Egypt, Jordan, and the friendly Arab States for the implementation of President Reagan's peace initiative.●

● Mr. OTTINGER. Mr. Chairman, I rise in support of the amendment to the continuing appropriations bill for fiscal year 1983 offered by my distinguished colleague from Illinois, Representative PAUL SIMON. The amendment would require that at least 50 percent of Agency for International Development bilateral assistance funds must be used to finance projects which directly benefit people living below the "absolute poverty line" established by the World Bank.

Some 800 million people—40 percent of the developing world's population—live in absolute poverty. Yet only about one quarter of U.S. development aid is directed toward helping these people become more productive and self-sufficient. The vast majority of U.S. bilateral assistance funds are directed at bureaucracies in recipient countries. The New York Times recently noted:

Aid is often squandered at the national level where bureaucracies soak up resources and money never reaches the intended rural areas.

The respected group, Bread for the World, which has been leading the fight for effective food assistance programs and the targeted development aid amendment in particular, concurs with the Times, noting:

AID emphasizes a bureaucratic trickle-down strategy rather than assisting poor people themselves. Recent AID policy statements indicate a new shift away from poverty oriented projects.

The Simon amendment seeks to focus the emphasis of bilateral development assistance programs directly to the absolute poor. It would require that 50 percent of AID's development funds go to finance productive facilities and other goods and services to be primarily used by those most greatly devastated by poverty. Examples include food and food distribution, irrigation facilities, roads, health clinics, and credit for poor people to encourage private sector income generating projects.

In addition to effectively benefiting the developing world, this amendment is in our national interest. It will strengthen the economic, political, and social structures of developing countries and thus lend stability and peace to volatile regions of the world. It will promote healthy economic growth and thus create and expand new markets for U.S. exports which will directly improve our economy and ease our balance-of-payments deficits.

The targeted development aid amendment is an important and necessary measure to deliver more assist-

ance to those who most desperately need it. I urge my colleagues to support the amendment.●

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

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

RECORDED VOTE

Mr. SIMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 227, noes 184, not voting 22, as follows:

[Roll No. 444]

AYES—227

Addabbo	Garcia	Mitchell (MD)
Akaka	Gaydos	Moakley
Alexander	Gejdenson	Moffett
Anderson	Gilman	Mollohan
Andrews	Gingrich	Moorhead
Anthony	Glickman	Mottl
Applegate	Gonzalez	Murphy
AuCoin	Gore	Natcher
Barnes	Gray	Neal
Bedell	Green	Nelson
Bennett	Guarini	Nowak
Biaggi	Gunderson	O'Brien
Boggs	Hall (IN)	Oakar
Bolling	Hall (OH)	Oberstar
Boner	Hall, Ralph	Ottinger
Bonior	Hall, Sam	Panetta
Bonker	Hamilton	Patman
Bouquard	Hammerschmidt	Patterson
Brinkley	Harkin	Pease
Brodhead	Hawkins	Pepper
Brooks	Heckler	Perkins
Brown (CA)	Hefner	Petri
Brown (CO)	Heftel	Peyser
Broyhill	Hertel	Pickle
Burton, Phillip	Hightower	Pursell
Clay	Hollenbeck	Quillen
Clinger	Horton	Rahall
Coelho	Howard	Rangel
Collins (IL)	Hoyer	Ratchford
Conte	Hubbard	Reuss
Conyers	Huckaby	Rinaldo
Coyne, James	Hughes	Roberts (KS)
Coyne, William	Hunter	Rodino
Crockett	Hyde	Roe
D'Amours	Jacobs	Rose
Daschle	Jeffords	Roybal
Daub	Jenkins	Russo
Davis	Jones (NC)	Sabo
Deckard	Jones (OK)	Santini
Dellums	Jones (TN)	Savage
DeNardis	Kastenmeier	Scheuer
Derrick	Kazen	Schneider
Dicks	Kennelly	Schroeder
Dingell	Kildee	Schumer
Donnelly	Kogovsek	Seiberling
Dorgan	LaFalce	Shamansky
Dowdy	Lantos	Shannon
Downey	Leach	Sharp
Dwyer	Leland	Simon
Dymally	Levit	Smith (IA)
Early	Long (LA)	Smith (NJ)
Eckart	Long (MD)	Snowe
Edgar	Lowry (WA)	Solarz
Edwards (CA)	Luken	St Germain
Emery	Lundine	Stark
English	Madigan	Stanton
Ertel	Markey	Stokes
Evans (IA)	Marriott	Stratton
Evans (IN)	Martin (IL)	Studds
Fenwick	Martin (NC)	Swift
Ferraro	Matsui	Synar
Fish	Mattox	Tauke
Fithian	Mavroules	Tauzin
Florio	McCloskey	Taylor
Foglietta	McCurdy	Traxler
Foley	McDade	Udall
Ford (MI)	McKinney	Vento
Ford (TN)	Mikulski	Volkmer
Frank	Miller (CA)	Walgren
Frenzel	Mineta	Walker
Fuqua	Minish	Washington

Watkins
Waxman
Weaver
Weiss
Whitley

Whittaker
Whitten
Williams (MT)
Wirth
Wolpe

Wright
Wyden
Yates
Young (MO)

NOES—184

Annunzio	Fiedler	Myers
Archer	Fields	Napier
Ashbrook	Findley	Nelligan
Aspin	Flippo	Nichols
Atkinson	Forsythe	Obey
Badham	Fountain	Oxley
Bafalis	Fowler	Parris
Bailey (MO)	Gephardt	Pashayan
Bailey (PA)	Gibbons	Paul
Barnard	Ginn	Porter
Beard	Goodling	Price
Benedict	Gradison	Pritchard
Bereuter	Gramm	Regula
Bethune	Gregg	Rhodes
Bevill	Grisham	Ritter
Bingham	Hance	Roberts (SD)
Bliley	Hansen (ID)	Robinson
Boland	Hansen (UT)	Roemer
Bowen	Hartnett	Rogers
Breaux	Hatcher	Rostenkowski
Broomfield	Hendon	Roth
Brown (OH)	Hiller	Roukema
Burgener	Hillis	Rousselot
Butler	Hopkins	Rudd
Byron	Hutto	Sawyer
Campbell	Ireland	Sensenbrenner
Carman	Jeffries	Shaw
Carney	Johnston	Shelby
Chappell	Kemp	Shumway
Cheney	Kindness	Siljander
Clausen	Kramer	Skeen
Coats	Lagomarsino	Skelton
Coleman	Latta	Smith (AL)
Collins (TX)	Leath	Smith (NE)
Conable	LeBoutillier	Smith (OR)
Corcoran	Lee	Smith (PA)
Coughlin	Lent	Snyder
Courter	Lewis	Solomon
Craig	Livingston	Spence
Crane, Daniel	Loeffler	Stangeland
Crane, Philip	Lott	Stanton
Daniel, Dan	Lowery (CA)	Stenholm
Daniel, R. W.	Lujan	Stump
Dannemeyer	Lungren	Thomas
de la Garza	Marks	Trible
Derwinski	Marlenee	Vander Jagt
Dickinson	Martin (NY)	Wampler
Dixon	Mazzoli	Weber (MN)
Dornan	McClory	Weber (OH)
Dreier	McCollum	White
Duncan	McDonald	Whitehurst
Dunn	McEwen	Williams (OH)
Dyson	McGrath	Winn
Edwards (AL)	McHugh	Wolf
Edwards (OK)	Mica	Wortley
Emerson	Michel	Wylie
Erdahl	Miller (OH)	Yatron
Erlenborn	Mitchell (NY)	Young (AK)
Evans (DE)	Molnari	Young (FL)
Evans (GA)	Moore	Zablocki
Fascell	Morrison	
Fazio	Murtha	

NOT VOTING—22

Albosta	Frost	Rallsback
Beilenson	Goldwater	Rosenthal
Blanchard	Hagedorn	Schulze
Burton, John	Holland	Shuster
Chapple	Holt	Wilson
Chisholm	Lehman	Zeferetti
Dougherty	Martinez	
Fary	Montgomery	

□ 1500

The Clerk announced the following pairs:

On this vote:

Mr. Beilenson for, with Mr. Fary against.

Messrs. PERKINS, HUNTER, VOLKMER, TAUZIN, PANETTA, FRENZEL, and MARRIOTT changed their votes from "no" to "aye."

Mr. SNYDER changed his vote from "aye" to "no."

So the amendment was agreed to.
The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO
TEMPORE

The CHAIRMAN pro tempore (Mr. PEYSER). The Chair will remind visitors in the gallery that they are here as guests of the House, and there will be no display concerning the actions taken on the floor.

AMENDMENT OFFERED BY MR. TAUZIN

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

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: At the end of title I, add the following new section:
Sec. . No funds provided under this joint resolution shall be used to deny or reduce SSI benefits because of assistance provided by a private nonprofit organization, or any entity whose revenues are primarily derived on a rate-of-return basis regulated by a State of Federal governmental body, if the appropriate State agency has certified that such assistance was based on need as determined by such organization or entity.

Mr. TAUZIN. Mr. Chairman, the amendment Congressman WYDEN and I are offering is not a complicated one. But it is, nonetheless, very important to low-income persons and senior citizens who receive supplemental security income (SSI) benefits.

A recent interpretation of Federal law, by Health and Human Services Secretary Schweiker, will result in a reduction of SSI benefits to any recipient who accepts energy assistance from a nonprofit organization or from a utility company.

Our amendment would prohibit the enforcement of that interpretation of the Social Security Act which would label such assistance as income for purposes of determining SSI eligibility and payment amounts.

The winter heating months are here. The strain on Government sponsored energy assistance programs is overwhelming. Frankly, without voluntary help, many SSI recipients could face a cruel choice between food and fuel. The Department's ruling, in effect, prohibits SSI recipients from getting voluntary help that is already on line.

All across the Nation, utility companies and private nonprofit organizations have been working together to provide emergency assistance to low-income and elderly people, to help them pay ever-increasing utility bills. More than 25 investor owned utilities already have energy assistance programs with millions of dollars that could be used to help these people. Many other utilities are developing similar programs.

But Federal law is standing in the way.

We can act, however, and get the obstacles out of the way of voluntary efforts to assist the neediest people in our society.

I hope you will join me in support of this amendment. After all, private

sector initiatives to voluntarily assist the Nation's poor and elderly deserve to meet with success, and not obstacles in Federal law.

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

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

□ 1510

Mr. BIAGGI. I thank the gentleman for yielding.

I take this opportunity to commend him for this very sensitive, humane, and necessary amendment. Clearly it is an opportunity for the private sector to make a contribution to the needs of those who need it most, the SSI recipients. The interpretation that Secretary Schweiker has put on it only redounds to the disadvantage of the SSI recipients. It limits them to their present meager sums of money. Obviously the private sector is aware of the need and they are responding. The Government should not be so cruel as to benefit as the result of the generosity of the private sector.

Further it would discourage voluntary participation by the private sector if this interpretation were to stand.

I commend the gentleman once again. It is an amendment that I urge the Members of the House to pass and pass overwhelmingly.

As an original member of the House Select Committee on Aging I wish to commend my colleague for his amendment which may mean the very survival for many of this Nation's poorest elderly in this winter that is now upon us.

Many of us on the east coast experienced our first taste of winter this past weekend with a major snowfall and cold snap. The onset of winter brings fear and apprehension to many of our senior citizens who do not know whether they will have enough funds to pay for heating costs.

This is an obvious national problem and was the subject of a front page article in this past Sunday's New York Times. The headline read—"Utility Shut Offs Reported on Rise." The article contends that there may be as many as 300,000 involuntary gas disconnections during this upcoming winter season. Already in the State of Ohio, there are more than 25,000 homes without either heat or electricity and the numbers are on the rise all over the Nation. The one-two punch of higher energy prices and reductions in Federal aid are producing misery for thousands of elderly today and will affect thousands more during the balance of the winter.

Clearly among those who will face utility cutoffs this winter will be senior citizens. I recall that in 1978 I conducted a series of national hearings of my Subcommittee on Human Services, House Select Committee on

Aging. The topic was the need for the establishment of a Federal low-income energy assistance program. I learned at these hearings how senior citizens—never wanting to be delinquent in paying their bills would come up with their utility bills and then give up eating for several days to compensate. As a result of these findings, Congress was compelled to create the low-income energy assistance program.

Yet today this very program is in the horns of a dilemma. Its funding level has remained constant between this year and last—yet heating costs for almost all forms of heating have risen and demand is increasing due to the current recession.

Let us remember that this amendment is aimed at helping the absolutely poorest of our elderly citizens—those who are subsisting on SSI. These are men and women who through necessity are compelled to stretch scarce dollars in a week by week survival battle. What this amendment would do is reverse an archaic and cruel Government policy which would reduce the SSI benefit of an older person if they should receive some form of assistance from a private nonprofit organization or charity. This is wrong and we must not be a party to its ratification.

This amendment will last for the duration of the continuing appropriations bill or until March 15 of next year. I would hope that during this time period we will be able to adopt a more permanent bill to abolish this policy before it does any more harm to poor and needy seniors in our Nation.

Mr. TAUZIN. I thank the gentleman for his comments.

I want to point out that amending this act will take care of the immediate problem of the 25 utilities and many others who want to start such programs. We are going to need permanent legislation to deal with this issue.

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

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

Mr. ROSTENKOWSKI. I thank the gentleman for yielding.

Mr. Chairman, I commend my colleague, the gentleman from Louisiana, for offering this temporary fix in the tax law.

Mr. Chairman, the amendment offered by my colleague from Louisiana is a temporary response to an issue under the supplemental security income (SSI) program.

Under current SSI law, any emergency aid given to an aged, blind, or disabled SSI recipient by any nonpublic organization is counted as income and therefore results in a reduction in or loss of SSI benefits. This includes, for example, emergency assistance provided by a church to help an SSI

recipient pay rent, or assistance from a utility company fuel fund to help an aged or disabled individual pay heating costs. However, if a State or local government provides this same kind of emergency aid, it is not counted under SSI.

The Tauzin amendment provides that this kind of assistance furnished by a church or other nonprofit organization, or a government-regulated entity such as a utility company, would not be considered as income under the SSI program, if the State certifies that the organization furnished the assistance on the basis of a determination of need. The amendment is in effect only for the duration of the continuing appropriations legislation before us today. A permanent resolution of this issue will require an amendment to title XVI of the Social Security Act, which is under the jurisdiction of the Committee on Ways and Means.

I am going to support the Tauzin amendment. I do not think Federal law should discourage churches and other organizations in their voluntary efforts to aid the needy in this Nation. Immediate action is necessary so that needy SSI recipients can begin to receive any emergency fuel assistance that is available to them.

I intend to encourage the chairman of our Subcommittee on Public Assistance and Unemployment Compensation, Mr. Ford, of Tennessee, to begin working on a permanent solution to this matter as soon as possible.

Mr. TAUZIN. I thank the gentleman.

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

Mr. TAUZIN. I yield to the gentleman from Oregon.

Mr. WYDEN. I thank the gentleman for yielding.

Mr. Chairman, I rise today to urge my colleagues to join Mr. TAUZIN and me in our efforts to promote the volunteer spirit and to keep senior citizens and other low-income individuals warm this winter.

As Mr. TAUZIN has explained, private utilities across the country have kicked off a fundraising drive designed to help low-income senior citizens and others pay for their fuel bills this winter. It is my understanding that the utilities have already raised \$10 million for this project—and that members of the public who have been asked to contribute have responded enthusiastically.

But now this project—which is really only in its infancy—has been threatened. Instead of supporting this exciting demonstration of voluntarism—as they should be at a time when benefits are being cut across the board—Health and Human Services has proposed to strangle it.

As Mr. TAUZIN has indicated, the Secretary of Health and Human Ser-

vices has decided to uphold a regional HHS ruling stipulating that any assistance received by the elderly under this project would be applied against supplemental security income and other Government benefits.

I am outraged by this decision, and I know other Americans will be too. We are talking about some of the most vulnerable people in our society. We are talking about people who are falling between the cracks—literally walking an economic tightrope on which they must balance food against fuel, and fuel against their medical care. We are talking about people who are facing the coldest months of the year with nowhere else to turn for help.

Instead of being sympathetic to these needs—and supportive of the volunteer spirit that made this country great—Health and Human Services officials have proposed to leave the elderly and the low income out in the cold.

That is not only cruel—it is hypocritical. The administration has trumpeted the value of private sector voluntarism to meet our serious social needs. And now it is proposing actions that would stifle efforts to move in that direction—actions that would discourage needy individuals from taking advantage of the volunteer program because of the fear they will be penalized for doing so.

I do not believe Americans will stand for this. Americans do not want the Government to play Scrooge to older Americans and other needy persons at this time of year. Americans want Government to support private, volunteer efforts—not stifle them.

This is not an issue that can wait to be decided until the 98th Congress convenes. We must act now if millions of older Americans are to stay warm this winter—and if the spark of voluntarism that has been ignited is to be allowed to grow into full flame.

That is why Mr. TAUZIN and I have introduced this amendment to specifically exclude such private assistance payments from counting as income in SSI-eligibility determinations. And that is why we are asking for your support.

Many of these private assistance projects, such as Project Help in my own district, are just getting off the ground. Notices are just now going out to customers and employees of the utilities asking them to help out.

Let us not nip this wonderful display of voluntarism in the bud. Let us not tell our citizens and our business community that the Government owns the candy store. Let us encourage this spirit of giving, and hope that it spreads to other aspects of our society—helping needy citizens and relieving pressures on the bloated Federal budget.

I urge my colleagues to support our amendment.

Mr. TAUZIN. I thank the gentleman for his statement and for his assistance on this worthwhile amendment.

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

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

Mr. PANETTA. I thank my colleague for yielding.

Mr. Chairman, this amendment is similar to legislation that I have introduced that is before the Committee on Ways and Means. I appreciate the comments of the chairman of the Committee on Ways and Means because what we need here is permanent legislation to deal with this inequity. You cannot at one point argue for reductions in SSI benefits and at the same time urge voluntary efforts to try to fill the gap, but if there are voluntary efforts that means there is that much less in terms of SSI benefits.

We have a real contradiction as it is now being interpreted by the administration. This amendment seeks to clarify that inequity, and hopefully what we will have with the help of the chairman of the Committee on Ways and Means is permanent legislation to deal with this inequity.

Mr. TAUZIN. I thank the gentleman. I want to commend him for the work he has done on that bill and offer my personal support for a permanent correction in the law.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

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

Ms. OAKAR. I thank the gentleman for yielding.

Mr. Chairman, I just simply want to commend the gentleman and the gentleman from Oregon (Mr. WYDEN) for this very fine piece of legislation.

There are many discriminatory practices toward SSI recipients. And this would be especially ironic if we did not correct the problem with respect to our businesses who want to make a contribution to the plight of our most vulnerable people who happen to be in this case I believe the elderly and women who are heads of households.

I really want to compliment the gentleman. I hope we get unanimous support for the gentleman's amendment.

Mr. TAUZIN. I thank the gentleman.

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

Mr. TAUZIN. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. Chairman, SSI recipients are usually the poorest of the poor. This amendment corrects an inequity. If natural gas prices keep going up at their current levels, we will all be eligible for SSI and we will all need these kinds of payments.

I would encourage my colleagues not only to support the amendment by the gentleman from Louisiana, but also to support efforts to restrict the rise of prices of natural gas.

Mr. TAUZIN. I thank the gentleman. I think a good free market would do that.

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

Mr. TAUZIN. I yield to the gentleman from Oklahoma.

Mr. McCURDY. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the work the gentleman has done on this amendment. I rise in support of the amendment to the continuing appropriations bill offered by my colleague, Mr. TAUZIN, which would allow supplemental security income (SSI) recipients to receive assistance from private nonprofit organizations or public utilities, to help them pay their monthly utility bills, without having their SSI benefits reduced.

SSI recipients are among our poorest and neediest citizens and with skyrocketing home heating costs, these Americans may soon be forced to choose between food and fuel. I applaud the administration's efforts to urge the private sector to assist the elderly and truly needy. In fact, nearly 25 utility companies have developed programs designed to help low-income people with their home heating bills. Unfortunately, a recent interpretation of the law by Health and Human Services Secretary Richard Schweiker will reduce SSI benefits to individuals who accept energy assistance from private nonprofit organizations or public utilities. This action will serve to discourage rather than encourage private sector assistance of our poor and elderly and push the needy closer to despair.

Mr. TAUZIN's amendment would prohibit the enforcement of this interpretation of Federal law and I urge my colleagues to join me in supporting this sensitive and humane amendment.

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

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

Mr. ECKART. I thank the gentleman for yielding.

Mr. Chairman, I, too, would like to join the previous speakers in commending the gentleman in the well for his work on this issue and rise in support of his amendment as well as the efforts of my colleagues from California.

In northern Ohio we have witnessed substantial increases in our primary heating source which is natural gas. We have also witnessed a tremendous increase in the number of voluntary organizations expressing support and concern for the elderly, disabled, and needy who are less capable of afford-

ing those increases. This is an important first step. I am convinced that the Ways and Means Committee will conduct serious hearings to make it permanent.

I commend the amendment, its sponsor, and urge its adoption.

Mr. TAUZIN. I thank the gentleman.

In one utility alone the response was 70 percent of its customers wanted the ability to check off that dollar contribution to help their neighbors in times of need. That is the American spirit I think we ought to be acknowledging today.

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. I thank the gentleman for yielding.

Mr. Chairman, I would like to rise in strong support of the amendment now before the House and say as chairperson of the Committee on Public Assistance we plan to look at this matter in the new session, and hopefully we can come to some resolution in making this permanent because we know that the resolution will only be for the life of the continuing resolution which we are going to adopt today hopefully.

We will take the matter up and hopefully we can make it a permanent law, that the recipients will have this when the continuing resolution ends.

Mr. TAUZIN. I thank the gentleman and salute him for that hope also. It is a hope we share.

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

Mr. TAUZIN. I yield to the gentleman from Kentucky.

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Chairman, as pointed out by the chairman of the Committee on Ways and Means, this is a matter that is principally under the jurisdiction of that committee. This amendment has the substantive effect of changing the income and assets test under the supplemental security income program. It prohibits the Social Security Administration from reducing or terminating SSI benefits to disabled individuals because of assistance provided to them by nonprofit agencies. An example of this would be privately funded fuel assistance programs; that would be one instance.

The amendment is effective only during the period of this continuing resolution, as the author knows. While it is a little unusual, Mr. Chairman, for an amendment such as this to come at this time on a continuing resolution, we have no objection to the amendment, and on this side we would accept the amendment.

□ 1520

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

Mr. TAUZIN. I yield.

Mr. CONTE. Mr. Chairman, I want to commend the gentleman in the well for his amendment. As one who has been vitally concerned with low income fuel assistance, I am pleased that we passed a \$1.85 billion level of funding in the HHS appropriation bill here a couple weeks ago. This is a good sound amendment and the minority has no objection to it.

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

Mr. TAUZIN. I yield to the gentleman.

Mr. FRENZEL. Mr. Chairman, the minority on the Ways and Means Committee, which would normally have jurisdiction over this matter, has the same feeling as that expressed by its distinguished chairman, now in the chair of this committee, particularly our ranking member, the distinguished gentleman from New York (Mr. CONABLE) who suggested this earlier and put it into the report of the Commission of Private Sector Initiatives has been a strong supporter of this amendment.

We approve of the amendment and hope that it is speedily adopted.

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

Mr. TAUZIN. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, I would like to have a brief colloquy between me and the distinguished gentleman from Kentucky. Would the gentleman yield for that purpose?

Mr. TAUZIN. I certainly yield; yes.

Mr. PEPPER. Mr. Chairman, the bill provides \$542,152,000 for refugee and entrant assistance activities administered by the Department of Health and Human Services. The gentleman and members of his committee have repeatedly given assurances that it intends to fund 100 percent of eligible costs associated with these aliens. May I assume that the gentleman's committee intends to maintain its 100 percent reimbursement policy during the period covered by this resolution?

Mr. NATCHER. Mr. Chairman, will the gentleman yield to me momentarily?

Mr. TAUZIN. I yield.

Mr. NATCHER. Mr. Chairman, the distinguished gentleman from Florida, is correct.

Mr. PEPPER. I thank the gentleman.

May I ask one other question? There is considerable concern among State officials that this funding level will not be sufficient. While we are relying on the committee's judgment to determine these levels, can the gentleman assure me that should this appropriation not be sufficient to cover 100 percent of eligible refugee and entrant costs, the gentleman's committee will

seek a supplemental appropriation to fund the balance.

Mr. NATCHER. Mr. Chairman, as the gentleman in the well knows, we have always followed matter concerning the refugee money carefully. This is a right important matter, not only for the gentleman's State, but for all the States on the east and west coast. The gentleman is correct.

Mr. PEPPER. Mr. Chairman, I thank the gentleman very much.

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

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

Mr. MILLER of Ohio. Mr. Chairman, I thank the gentleman for yielding.

I have one question. I know in the gentleman's amendment he is saying that the SSI recipient would be receiving some funds from nonprofit organizations.

Now, the Federal Government certainly is not for profit with a \$1 trillion debt, but we do have the low income energy assistance program. Now, if people are receiving some assistance from that program, will that change their SSI?

Mr. FAZIO. No; the SSI payments are not reduced currently with any contribution from Federal, State, or local governments.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. FAZIO) has expired.

Is there any opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Louisiana (Mr. FAZIO).

The amendment was agreed to.

The CHAIRMAN. Pursuant to the rule, the gentleman from California (Mr. FAZIO) is recognized for 15 minutes to offer an amendment and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from California (Mr. FAZIO).

AMENDMENT OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Chairman, I offer an amendment made in order by the rule and duly printed in the RECORD of December 13, 1982.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FAZIO: On page 27, after line 9, insert the following:

SEC. 129. (a) Section 101(e) of Public Law 97-276 is amended by striking out "December 17, 1982," and inserting "September 30, 1983."

(b) In lieu of payment of salary increases of up to 27.2 percent as authorized by law for senior executive, judicial, and legislative positions (including Members of Congress), it is the purpose of this section to limit such increases to 15 percent. Notwithstanding the provisions of section 306 of S. 2939 made applicable by subsection (a) of this section, nothing in subsection (a) shall (or shall be construed to) require that the rate of salary

or pay payable to any individual for or on account of services performed after December 17, 1982, be limited to an amount less than the rate (or maximum rate, if higher) of salary or pay payable as of such date for the position involved increased by 15 percent and rounded in accordance with 5 U.S.C. 5318.

(c) Nothing in this section shall be construed as specifically authorizing the obligation or expenditure of funds for salary increases for positions subject to section 140 of Public Law 97-92.

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is that time again. We seem to so regularly face the most momentous and difficult decision that we have to make during any session of Congress and that is the issue of whether or not we are going to compensate ourselves at a higher rate of pay. It is never a good time to do it and, obviously, right now we face a very high rate of unemployment; but as I look back at the way we behaved in regard to this issue in the recent past, I find we have found many other excuses not to deal with it, not to take it up front and not to discuss it even with ourselves and our constituents.

We have always found that perhaps this is not the right time because we had not reduced taxes or perhaps because we had reduced subsidies or someone's entitlement. Perhaps we complain that it is an election year. We can find numerous excuses as to why we should not deal with it; but I think it is time that we focus to some degree on perhaps what we have done to ourselves in the process of not facing up to the impact that our lack of forthright decisionmaking has had on us as individuals.

I would like to use these charts to indicate to the Members, and perhaps to our constituents, what has happened to Members of Congress as compared to other people in our society, other occupational groups during the last decade. Certainly in terms of our purchasing power, we have lost far more than any other group in our society. White collar workers have over the last decade lost some 9 percent of their purchasing power as of 10 years ago. Members of Congress have lost four times that, 36 percent of our purchasing power.

There are a number of managerial groups in our society: Banking, retailing, and the aerospace industry, where people have had absolute gains despite the inflation that we have been wracked with over the last decade, gains in their purchasing power. Why is that? Because if we look at the salary increases that various classes of workers and types of managers have received, we find that Members of Congress have been far behind.

The cost of living has gone up over the last decade over 125 percent. Members of Congress have had a pay increase of 42.7 percent, far below every other class that we can compare with.

Production workers and white-collar workers have done far better on the average.

Now, we are not asking to be compared, we are not asking to receive the same level of compensation as our constituents, but I think it is important that we provide for some adjustment. We have in the last 5 years failed to take some 27 percent of the 32½ percent which Federal workers have been given.

It is important to realize that my amendment will reduce the amount that is due for cost-of-living adjustment—the 27 percent. The bill before us would provide a \$77,300 salary; my amendment would reduce that to \$69,800.

What I hope we do today is to take back some of that 27 percent and then begin in the future to take whatever we think we can afford to pay our white-collar workers. They are an important element in this, because there are some 32,000 of them who have been impacted by our frustration, by what some would term our vindictiveness, by our decision to make the imposition of a pay cap almost an annual affair.

I think it is important to point out that a number of people who are concerned about how this body operates have taken a look at our behavior and have urged us in recent days to do something about it, not just because of the impact it will have on those of us as individuals who have a need for additional compensation, but because it is hurting this institution. We demean ourselves in the manner in which we handle it. In addition, because it is importantly hurting the managers of the Federal Government that we rely on to run the programs that we regularly appropriate funds for, we do the people of this country a lot of harm by denying them a fair wage.

We have had the United Auto-workers, the Business Round Table, the AFL-CIO, the National Association of Manufacturers, the National Association of Realtors, Common Cause, and many other commentators and analysts say, "Congress, give yourself a modest increase." The Washington Post and the New York Times added their support this morning.

I think it is important to point out that one of the reasons we have not had an increase is because there is an increasing reliance on outside income to provide a replacement for it. Members of the other body, no longer governed by any rule, are able to take outside income from honorariums that now we know range well over \$50,000. There will be in this year, when the maximum allowable honorarium has gone to \$2,000, many Members of the other body who will probably equalize their pay in outside income.

I do not think our constituents are aware of why they have an interest in our voting for pay raises, that in terms of real dollars after the 50-percent tax bracket is applied, amount to less than some Members can earn in one single honorarium.

□ 1530

So I think it is time for us to focus a little bit of our attention on trying to provide some information to the people who will judge us by our actions.

We have only had 10 pay raises in the history of the House of Representatives, and yet there are those who assume we get one once a year. In fact, I do not understand where these free haircuts that someone talked about come from. I pay at least \$8.50 for one in the Rayburn Building, when I do not tip.

I understand my constituents feel very deeply about the need to keep us equivalent, and they ask me regularly, "Why don't you just take the cost of living or what Federal workers get?" I have to tell them we fail to do that year after year because we are afraid of their reaction.

Today we are lagging some 57.5 percent behind the cost-of-living index based on the increase from 1977 to the present which has been 62½ percent. We had a 5.5-percent raise to compensate for that 62.5 percent inflation. If we go back to 1969, the cost of living has gone up 171 percent since then and we have lagged 130 percent behind.

I think on the merits, the case is there. I hope people appreciate the fact at this time we have used the up-front, direct approach. There can be no process argument against our behavior in this body. We have responded to our critics who always oppose us because of our approach.

Mr. Chairman, for the benefit of the Members and the public, under leave which I have obtained, I would like to insert several graphs, tables, and other source material which amplify what I have said.

EXPLANATION OF THE FAZIO AMENDMENT

This amendment partially lifts the freeze which is currently applied to

the salaries of approximately 32,000 senior-level Federal employees and officials. As it has been reported to the House, House Joint Resolution 631 contains no pay cap; thus, unless reduced, these salaries would go to their statutory rates which, in some cases, would result in a 27-percent salary increase. The amendment reimposes a salary cap on these senior-level employees, but provides that a 15-percent cost-of-living adjustment may be given, in lieu of the 27.2 percent due to the most senior people. This equates to less than the increase given to all other employees during the 96th Congress, and none of the increases given to all other employees during the 97th Congress.

The first paragraph restores the current pay cap on senior-level people as it was approved in the first continuing resolution. The second paragraph partially lifts the cap and provides an increase up to 15 percent, based on cost-of-living adjustments already provided to other Federal employees under title 5 of the United States Code. A rounding rule is also included. The third paragraph provides that there shall be no adjustment for those positions covered by section 140 of Public Law 97-92.

SENIOR LEVEL SALARIES

(Capped, uncapped, and partially capped rates)

Executive schedule	Current salary (Capped)	Under the continuing resolution (H.J. Res. 631) legal salary (Uncapped)	Under the Fazio amendment (Partial cap)
Level I (includes Cabinet)	\$69,630.00	\$88,600	\$80,100
Level II (includes Members)	60,662.50	77,300	69,800
Level III	59,500.00	70,500	68,400
Level IV	58,500.00	67,200	¹ 67,200
Level V	57,500.00	63,800	¹ 63,800

¹ The salaries for these positions would be at their legal rates.

Note.—In addition to the approximately 1,700 covered by the executive level rates enumerated above, the salaries of an additional 30,500 Senior Executive Service and other senior-level general schedule or comparable employees have been capped. If the cap is removed, most of these salaries would be adjusted identical with the Level V adjustment.

TITLE: PERCENTAGES OF SALARY INCREASES FOR MEMBERS OF CONGRESS AND SELECTED OCCUPATIONS COMPARED WITH COST-OF-LIVING INCREASES

Category	Years spanned	Percent increase
CPI (cost of living)	1971-81	124.6
Executives:		
Aerospace	1971-81	1,000.1
Retailing	1971-81	161.2
Banking	1971-81	127.5
Advertising	1971-81	94.6
Production workers	1969-82	158.4
White collar	1969-82	155.0
Members	1971-81	42.7

Data to be presented in this order from left to right of graph. Years spanned to appear under bar for each occupation. All bars blue except Members. Members bar red.

[Note.—Graphs not printed in RECORD.]

Changes in purchasing power of Members of Congress and selected other occupations, 1971-81

Category	Percent loss or gain
Executives:	
Aerospace	+389.8
Retail	+16.3
Banking	+1.3
Advertising	-13.0
Production workers	-10.7
White collar	-9.0
Members of Congress	-36.0

KEY INDICATORS

(Percent changes since)

	1969	1977
CPI	171.6	62.5
Hourly earnings index	167.3	54.2
Average general schedule	138.0	43.5
Members of Congress	42.7	5.5

COMPARISON CHART OVER PAST 5 YEARS

(In percent)

	CPI	Federal employees	Private (Census Bureau)		Congressional pay increases
			White collar	Blue collar	
1978.....	9.8	5.5	6.6	9.2	0
1979.....	13.3	7.02	9.3	7.8	5.5
1980.....	12.4	9.11	7.5	7.8	0
1981.....	8.9	4.8	8.7	7.9	0
1982.....	6.97	4.0	9.5	7.2	0

Note.—Members salaries under various formulas since 1977: (1) If adjusted by Federal wage increases since 1977—\$82,995.19. (2) If adjusted by CPI since 1977—\$99,235.57. (3) If adjusted by average private sector wage increases since 1977—\$89,979.18.

Members salaries under various formulas since 1970: (1) If adjusted by Federal wage increases since 1970—\$92,675.52. (2) If adjusted by CPI since 1970—\$113,252.74. (3) If adjusted by average private sector wage increases since 1970—\$101,781.44.

Members actual salaries: (1) 1977—\$57,500. (2) 1979—\$60,662.50. (3) 1982—\$60,662.50.

Year	Salary level for Members of Congress	Percent of adjustment in salaries	Percent of Federal employee pay adjustment	CPI	Percent of private sector wage increases	Quadrennial Commission recommendation	President's recommendation based on Quadrennial Commission
1970	\$42,500.00	0	6	5.5	4.6		
1971	42,500.00	0	5.96	3.4	6.2		
1972	42,500.00	0	10.64	3.4	7.5		
1973	42,500.00	0	4.77	8.8	6.2	\$53,500	
1974	42,500.00	0	5.52	12.2	6.4		\$52,800
1975	44,800.00	5.0	5	7.0	5.7		
1976	44,800.00	0	5.17	4.8	7.3	57,500	
1977	57,500.00	29.0	7.05	6.8	7.7		57,500
1978	57,500.00	0	5.5	9.8	7.8		
1979	60,662.50	5.5	7.02	13.3	8.0		
1980	60,662.50	0	9.11	12.4	6.9	85,000	
1981	60,662.50	0	4.8	8.9	8.6		70,900
1982	60,662.50	0	4	6.97	7.5		

¹ Over 3 years.

Note.—Members' salaries under various formulas: \$82,995.19 if adjusted by Federal wage increases since 1977. \$99,235.57 if adjusted by CPI since 1977. \$89,979.18 if adjusted by average private sector wage increases since 1977. \$92,675.52 if adjusted by Federal wage increases since 1970. \$113,252.74 if adjusted by CPI since 1970. \$101,781.44 if adjusted by average private sector wage increases since 1970.

	Number of employees	Scheduled salary rate	Actual salary rate	difference
EXECUTIVE BRANCH				
Vice President	1	100,700	79,125	21,575
Executive schedule:				
Level I	14	88,600	69,630	18,970
Level II	90	77,300	60,662	16,638
Level III	150	70,500	59,500	11,000
Level IV	354	67,200	58,500	8,700
Level V	133	63,800	57,500	6,300
Senior Executive Service:				
ES-2	612	59,230	58,500	730
ES-3	1,047	61,515	58,500	3,015
ES-4	3,450	63,800	58,500	5,300
ES-5	751	65,500	58,500	7,000
ES-6	237	67,200	58,500	8,700
Merit pay ¹	9,036	63,115	57,500	5,615
General schedule ¹	3,813	63,800	57,500	6,300
Senior Foreign Service:				
Grade 1: Level 6	7	67,200	58,500	8,700
Grade 2:				
Level 5	206	65,500	58,500	7,000
Level 4	150	63,800	58,500	5,300
Grade 3:				
Level 4	257	63,800	58,500	5,300
Level 3	225	61,515	58,500	3,015
Level 2	127	59,230	58,500	730
Foreign Service ²	773	63,115	57,500	5,615
Department of Medicine and Surgery:				
Chief Medical Director	1	70,500	59,500	11,000
Deputy Chief Medical Director	1	67,200	58,500	8,700
All other ¹	7,192	63,800	57,500	6,300
Uniformed Services:				
Chiefs of Staff	5	87,218	57,500	29,718
Grade:				
O-10	29	79,049	57,500	21,549
O-9	122	69,740	57,500	12,240
O-8	380	62,878	57,500	5,378
LEGISLATIVE BRANCH				
Congress:				
Senators	97	77,300	60,662	16,638
Representatives	432	77,300	60,662	16,638
President pro tempore of the Senate	1	87,300	68,575	18,725
Majority and minority leaders	4	87,300	68,575	18,725
Speaker of the House	1	100,700	79,125	21,575
Senate staff:				
Level III	6	70,500	59,500	11,000
Level IV	89	67,200	58,500	8,700
Level V ²	146	63,800	57,500	6,300
House staff:				
Level III	13	70,500	59,500	11,000
Level IV	57	67,200	58,500	8,700
Level V	246	63,800	57,500	6,300
Executive Schedule:				
Level II	1	77,300	60,662	16,638
Level III	5	70,500	59,500	11,000
Level IV	15	67,200	58,500	8,700
Level V	20	63,800	57,500	6,300
Senior Executive Service:				
ES-2	7	60,741	58,500	2,241
ES-3	39	63,800	58,500	5,300
ES-4	37	64,480	58,500	5,980
ES-5	10	65,160	58,500	6,660
ES-6	2	65,840	58,500	7,340
ES-8	7	67,200	58,500	8,700
General schedule ³	297	63,800	57,500	6,300
Architect of the Capitol, Executives	7	65,616	57,500	8,116
Do	1	60,352	57,500	2,852
OTA Assistant Directors	4	63,800	57,500	6,300
OTA program managers	4	63,800	57,500	6,300

¹ Scheduled salary rate listed is the maximum rate allowed by law for these positions. The actual scheduled salary rate may be higher or lower for some positions.

² One position at \$57,500, the balance at \$57,000 by administratively imposed ceiling.

³ Scheduled salary rate listed is the maximum rate allowed by law for these positions. The actual scheduled salary rate may be higher or lower for some positions.

COMPTROLLER GENERAL
OF THE UNITED STATES,

Washington, D.C., December 10, 1982.

B-210039.

Hon. Vic FAZIO,

Chairman, Subcommittee on Legislative Branch, Committee on Appropriations, House of Representatives

DEAR MR. CHAIRMAN: On November 29, 1982, you asked for our decision on the exact effect of section 130(c) of the Act of October 1, 1981, Public Law 97-51, 95 Stat. 958, 966, should the Congress fail to enact a continuation of the pay cap as imposed until December 17, 1982, by section 101(e) of the Act of October 2, 1982, Public Law 97-276, 96 Stat. 1186, 1189.

Section 130(c) makes a permanent appropriation "for 'Compensation of Members' * * * as authorized by law and at such level recommended by the President for Federal employees for that fiscal year * * *." That section also provides: "such sums when paid shall be in lieu of any sums accrued in prior years but not paid."

Funds are thus appropriated by section 130(c) to pay Members' pay as otherwise authorized by law, but that section does not modify the legal rates of pay prescribed for Members. The provision that payments made from that appropriation will be in lieu of sums accrued and not paid has the effect of voiding claims of Members for backpay—pay which was not paid in prior years by virtue of appropriation pay limitations.

In keeping with that analysis of section 130(c) we find that, under the provisions of statutory law, the scheduled rate of pay for Members is now \$77,300.¹ Appropriated funds have been denied to pay Members more than \$60,662.50,¹ but that appropriation limitation expires December 17, 1982. If the appropriation limitation expires and a limitation is not otherwise enacted, the pay of Members will automatically increase to the \$77,300 rate authorized by law. In terms of section 103(c) this rate is derived from the \$74,300 rate which was in effect during fiscal year 1982 as increased by 4 percent, which was the level of increase recommended by the President for Federal employees for fiscal year 1983.

The legal rates of pay for Members are derived from the application of the Act of December 16, 1967, Public Law 90-206, Title II, 81 Stat. 42, as amended, 2 U.S.C. 351-361 and the provisions of the 1975 comparability increase legislation. The Act of August 9, 1975, Public Law 94-82, Title II, 89 Stat. 421, 2 U.S.C. 31. The appropriation limitations which have kept the pay of Members at \$60,662.50 have not changed the provisions of those statutes. They have withheld a part of the pay otherwise due under the applicable provisions of law, but the appropriation limitations do not alter the statutory rates otherwise prescribed. See *United States v. Will*, 449 U.S. 200 (1980).

The language "such sums when paid shall be in lieu of any sums accrued in prior years but not paid" was included on the premise that absent that provision there would have remained an open question as to the liability of the Government on claims for backpay of Members once the appropriation pay restriction was removed. The inclusion of the provision resolves the issue and voids claims of Members for backpay. In arriving at this result we have considered not only the language of section 130(c) but also its legislative history, including the debates in the House and Senate.

Accordingly, we find that if the pay cap language is not retained after December 17, 1982, the pay of Members will automatically increase to \$77,300, unless some other provision of law is enacted to prevent that result.

¹ We have used the figures \$77,300 and \$60,662.50 in this letter as a matter of convenience. We recognize that those rates apply to Members generally but that higher rates of pay apply to the President Pro Tempore of the Senate, the Majority and Minority Leaders of the House and Senate and the Speaker of the House.

The impact figures which you requested will be submitted to you by separate letter.

Sincerely yours,

CHARLES A. BOWSER,
Comptroller General
of the United States.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, D.C., December 14, 1982.

DEAR REPRESENTATIVE: The AFL-CIO believes that members of Congress are deserving of a pay adjustment and should have the opportunity to vote for or against such a proposal during consideration of the continuing resolution. When H.J. Res. 631 comes to the House floor this week, the AFL-CIO urges members to vote against reimposing the pay ceiling and for recoupment of the real wage loss members have experienced over the past several years.

In 1980 a federal pay commission stated, "The purchasing power of congressional salaries is reaching the point that it may deter from seeking office those who must support themselves and their families on salary alone." The AFL-CIO is concerned that the extraordinary expenses of serving in the U.S. Congress may make the job prohibitively expensive for many otherwise qualified persons and may result in candidates for Congress coming from and increasingly narrow stratum of our society.

In 1980 the Commission on Executive, Legislative and Judicial Salaries recommended that congressional salaries be increased to \$85,000. President Carter reduced that recommendation to \$70,853 before forwarding it on to Congress with his endorsement. In 1982 congressional salaries are still capped at \$60,662.50.

Not only is the pay cap creating a genuine hardship on many members serving in the Congress, but top-level government jobs are also capped and therefore often insufficiently attractive to the most highly qualified potential applicants.

The AFL-CIO urges the Congress to abide by the 1975 law which coupled congressional pay raises with federal white-collar pay raises and to vote down the reimposition of the pay cap.

Sincerely,

RAY DENISON,
Director,
Department of Legislation.

NATIONAL ASSOCIATION
OF MANUFACTURERS,

Washington, D.C., December 14, 1982.

DEAR CONGRESSMAN: Today, the House will be asked to consider the issue of pay raises for the Legislative and Executive Branches. Under the continuing resolution which expires on December 17, the cap limiting Congressional salaries and those of senior Executive Branch officials will expire.

The National Association of Manufacturers believes that an increase in salaries for both the Congressional and senior officials in the Executive Branch is warranted. We are aware that "options" range from 4 to 27 percent for Members of Congress with a similar range for the Executive Branch. While we believe a salary adjustment is warranted in both cases, we would urge that the Congress identify a specific increase within the range of options for its members.

While Congressional pay scales have for all practical purposes been frozen since 1977, we believe that selecting the high end of the range is inappropriate, particularly in view of the nation's current high unemployment and large budget deficits. We believe, however, that an increase of a lesser and more reasonable amount is both warranted and would be acceptable to the nation's citizens.

We trust the Congress will exercise wisdom and political courage when this measure is brought up for debate and resolution.

With kind regards,

Sincerely,

JERRY J. JASINOWSKI,
Senior Vice President and
Chief Economist.

THE BUSINESS ROUNDTABLE,
Washington, D.C., December 14, 1982.

DEAR REPRESENTATIVE: The House and Senate will be faced again with the politically difficult question of a Congressional pay raise. The Business Roundtable supports appropriate pay increases for Members of Congress as well as for officials in the Executive and Judicial branches.

Since 1977, the Consumer Price Index has increased by 62.5 percent, while Members have only received one raise of 5.5 percent in 1979. A recent report by the Commission on Executive, Legislative and Judicial Salaries stated that "in 1969 dollars, the purchasing power of salaries for Members of Congress has declined to \$25,800."

The Business Roundtable has testified in the past in support of pay increases for the legislative, executive, and judicial branches of government. We urge you and your colleagues to vote in support of a pay raise this week which we believe is in the public interest.

Sincerely,

JOHN POST,
Executive Director.

COMMON CAUSE,
Washington, D.C., December 10, 1982.

DEAR REPRESENTATIVE: The House and Senate will soon once again be faced with the extremely important but politically difficult question of what to do about congressional pay. Common Cause strongly supports appropriate pay increases for Members of Congress as well as for officials in the Executive and Judicial branches.

We recognize that this is a particularly difficult issue at this time because of the severe economic conditions in the country. Unfortunately, however, there never seems to be a right time for increasing congressional pay.

Since 1969, according to the Joint Economic Committee, the Consumer Price Index (CPI) has risen 168 percent. Pay for Members of Congress during this same period has risen 43 percent (from \$42,500 to \$60,662). This has resulted in congressional pay over the last thirteen years running 125 percent behind inflation. Since 1977 the CPI has increased 62 percent while Members of Congress have received only one of 5.5 percent—in 1979. The report of the Commission on Executive, Legislative and Judicial Salaries pointed out in 1980 that "in 1969 dollars, the purchasing power of salaries for Members of Congress has declined to \$25,800."

Because congressional pay winds up linked with other government salaries, the inability to deal rationally with this issue has had a negative impact on the Executive and Judicial branches as well.

As an organization Common Cause has opposed backdoor means of enhancing congressional salaries that increase conflicts of interest and inequitably use the tax code. Common Cause worked against lifting the limits on honoraria and other outside income and for repeal of the special congressional tax break. But we also strongly believe that Members should be appropriately compensated through their congressional salaries.

Obviously \$60,662 does not represent a marginal annual income. But it is far below the salaries of those in top level positions in major corporations and law firms and many other enterprises in the private sector. In addition, a study conducted for the 1980 Pay Commission showed that between 1969 and 1980 private sector executives with "responsibilities roughly comparable to those of top federal executives" received salary increases of more than 116 percent.

There are clearly other rewards in congressional service that are not monetary in nature and certainly no one expects that government salaries will or should be directly comparable with the private sector. But Members of Congress have been chosen by the people as our national leaders to make the public policy decisions that will affect the direction of our country and the lives of all Americans. It is essential that they be adequately and fairly compensated. Members should not be expected to see congressional pay in real in real dollars decline year after year.

Many Members have independent wealth or other major sources of additional income while others—a majority in the House of Representatives—basically live on their congressional salaries. We urge those Members who have independent financial resources to think long and hard about denying their colleagues pay increases to which they are clearly entitled and which are in the public's best interest.

We understand this is a very difficult issue politically and that the temptation is there to reject any efforts at increasing congressional pay. We strongly urge you, however, to resist this temptation and to support an appropriate pay raise for Members of Congress.

Sincerely,

FRED WERTHEIMER,
President.

At this time, Mr. Chairman, I would like to yield to my good friend and colleague from California, the ranking member of the subcommittee which I chair, Mr. BURGNER.

Mr. BURGNER. I thank the gentleman for yielding.

Mr. Chairman, I strongly support adequate pay for adequate work. We ought not to be talking today about what is good for Members of Congress; we ought to talk about what is good for the public.

How will the public interest best be served? I submit it will be best served if we build and strengthen this Congress and if we build and strengthen the executive branch. I maintain that good pay is essential to good government.

Unfortunately, the Senior Executive Service in the executive branch of Government is tied to congressional pay. I think they ought not to be. I think they never should have been,

but they are. I submit that because of that, bad pay is leading to bad government.

Let me give you some evidence. The Navy just conducted a study of the Senior Executive Service. They now have an average of 4½ years of experience on the job. Prior to these pay caps, they had 7½ years of experience on the job. That is bad, and we are driving people to early retirement when they are still productive.

What happens to the public interest? What happens to the taxpayers when we do that?

First of all, we start paying them retirement with annual cost-of-living adjustments attached that the private sector does not have. Their retirement pay begins to escalate over the years. Then we hire a replacement for the early retirees. Now we have in effect, two salaries to pay. Does that serve the public interest? It does not.

Every year we procrastinate and every year we fail to address this issue and we drive good people out of Government. We drive them out of the House, we drive them out of the executive branch at great cost to the public.

I would vote aye. There are about three options available to us today. We can reimpose the cap and stay where we are, with a pay cap, not a good action for the public interest.

We can take the full raise or we can take some intermediate position.

In the interest of success, I guess, I would personally choose the intermediate position, but I would certainly vote for the full raise if that were the only option.

In an effort to get help, we created the Commission on Executive, Legislative and Judicial Salaries to take the onus off of us and in an effort to remove it from this arena. What did the Commission do in 1980? They reported and recommended that we be paid \$85,000 a year. President Carter, after careful consideration, reduced that recommendation. He had every right to do that. He reduced it to \$70,830. That was his recommendation and we still failed. We rejected it.

The Washington Post today said no one should get rich from this job. I do not know of anyone who has. But they further said no one should get poor from it, either.

Honorariums are a poor substitute for adequate pay. They are fraught with conflicts of interest. They are dangerous and they are not in the public interest. I have suggested in past messages on this floor that if we continue to neglect adequate pay for this body, we are going to end up with two kinds of people in this House: a combination of millionaires and ne'er-do-wells, and once in a while you get them in the same package.

Let us think of the public interest. Let us build a better House and a better Government. Let us face it head on with a recorded vote, and vote for better Government.

Mr. FAZIO. I thank the gentleman for his comments.

The CHAIRMAN. The gentleman from California (Mr. FAZIO) has consumed 11 minutes.

Mr. FAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank my colleague for yielding.

Mr. Chairman, I rise in hearty support of this amendment. I am leaving the Congress. It will have nothing to do with me, but I tell you, my colleagues, I have watched and I have listened to my colleagues, and we cannot go on like this.

One after another of my colleagues, independent of this amendment or any other chance of raising their salaries, have told me that they are digging into their life savings in order to stay here. When you are one of a two-earner couple, it is very different and I plead with my colleagues who are married to a good businesswoman or a good lawyer or a good businessman not to take that as an excuse and say, "Well, we can live perfectly well on what we have."

There are many people who are married to someone who does not work, who have children, trying to maintain a mortgage on their home in the district, pay rent here, and pay dentists bills. We have lost good people in this House.

The turn foreman from Armco Steel came down here. Why did he go home? Because he simply could not pay the bills on what we were paying him. He had a wife and children who were miles out in the country where he could afford housing for them.

We cannot go on like this. We are not doing the right thing. People have seen me on this floor. I have objected to any backdoor effort to raise benefits for Members of Congress, but I feel that the public must support us in a responsible, open, and honest way of arriving at something that must be done in the public interest, and I hope very much my colleagues will vote for this amendment.

Mr. FAZIO. I thank the gentlewoman.

● Mr. DERWINSKI. Mr. Chairman, the issue of Government pay rates is one of the most crucial and misunderstood issues facing Congress. As the senior Republican on the Post Office and Civil Service Committee, I have been in the position, year after year, of seeing this issue overemphasized by the media or ignored by Members.

The truth is that a detailed review of existing Government compensation laws—salary, retirement, and fringe benefits—would calm the popular in-

dignation against pay raises, starting with the most basic fallacy of all: that taxpayers are saving money in the long run by denying top Federal employees and Members salaries which are competitive with their private sector counterparts.

It does not take an actuarial genius to figure out why more and more of our top level Federal employees are leaving Government at the earliest opportunity to pursue more lucrative careers in private enterprise. It should be very apparent that it is costing the public more to fund retirement annuities and cost-of-living increases in retirement income than it would cost us to keep top Government managers in active employment at higher pay.

Furthermore, the more salaries are compressed, the less incentive there is for top managers to assume additional responsibilities.

We cannot continue this foolish practice if we want the Federal Government to function in an effective and efficient manner. However broad or narrow you feel the Government's role should be, you are not solving the problem, making no real savings, and frankly, making no sense by refusing to adjust the salary ceiling.

In 1978, we passed the landmark Civil Service Reform Act of 1978. The centerpiece of that legislation was the creation of a Senior Executive Service with tenure conditioned more on performance than seniority. The response to that provision of the new law was encouraging, but all of the promised incentives for enlisting in the SES have not materialized because riders to certain appropriations have restricted funds and reduced the opportunities for proper compensation. It has been a somewhat discouraging development not only for top Federal managers but for those of us whose committees are responsible for stemming the brain drain which is threatening the civil service systems from the top.

Federal salaries have to be competitive if we are to retain our talented and experienced executives. Service in top Government positions offers a nationwide forum for talent. It would be a tragedy if executives in the private sector were discouraged from this forum because they had children in college or because they could not maintain the fruits of their hard-earned success on Government salaries.

Recruiters for both present and past administrations will tell you it is becoming increasingly difficult to attract competent persons to top Government positions because of the salary levels.

We have another opportunity here today to reverse an illogical trend and in the process make it possible for the Government to attract the type of expert, qualified personnel who will assist in making the Government re-

sponsible and responsive to the taxpayers.●

● Mr. SENSENBRENNER. Mr. Chairman, I would like to go on record at this time as being opposed to a pay increase in congressional salaries. While I applaud the committee's action in forcing an open and direct vote on the floor on this issue, I think it is irresponsible to bring the matter up in this manner. The amendment offered by Mr. FAZIO permits a situation where Members can vote themselves an increase by voting either yes or no on the amendment. A yes vote would mean a 15-percent increase where a no vote would mean a 27-percent increase. While I oppose this way of handling the issue, I will vote for a reduced level of increase.

Shortly, Mr. Speaker, there will be another amendment offered by Mr. TRAXLER, to replace the pay cap on Members of Congress salaries. This is the kind of action which is responsible and will show the American people that Congress is really serious about sharing the economic burdens equally. It will also show that we, as their elected Representatives, are willing to share in the sacrifices needed to get our economy back on the right track.●

● Mrs. SCHNEIDER. Mr. Chairman, I intend to vote for the Fazio amendment to the continuing resolution, and I urge my colleagues to as well, but not for the reason that he offers it. Mr. Chairman, I cannot support a pay increase for Members during a time of such economic stress. My motive in supporting the Fazio amendment is to limit the amount granted in the bill in the unlikely and unfortunate case that the Traxler amendment fails. The Traxler amendment, which would retain the present cap on Members' salaries, is the appropriate approach at this time. We are sending the wrong signal to the country if we vote ourselves a raise at a time when the deficit is so large and so many people are out of work, not to mention during a lameduck session fully 2 years from the next election.

Legislation I have cosponsored calls for open, unambiguous votes on Members' compensation, and would insure that no increase is actually made without an intervening election. I urge the committee and my colleagues to accept this commonsense approach.●

The CHAIRMAN. Is there further debate on the amendment?

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

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

RECORDED VOTE

Mr. FAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 303, noes 109, not voting 21, as follows:

[Roll No. 445]

AYES—303

Addabbo Erlenborn Markey
Akaka Ertel Marks
Alexander Evans (DE) Marlenee
Andrews Fazio Martin (NC)
Annunzio Fenwick Martin (NY)
Anthony Ferraro Matsui
Applegate Findley Mattox
Aspin Fish Mavroules
AuCoin Flithian Mazzoli
Badham Flippo McClory
Bailey (PA) Foglietta McCloskey
Barnard Foley McCurdy
Barnes Ford (MI) McDade
Beard Ford (TN) McGrath
Bennett Forsythe McHugh
Bereuter Fountain Mica
Bevill Fowler Mikulski
Biaggi Frank Miller (CA)
Bingham Frenzel Miller (OH)
Billey Frost Mineta
Boggs Fuqua Minish
Boland Garcia Moakley
Bonner Gejdenson Moffett
Bonior Gephardt Molinari
Bonker Gibbons Molloyhan
Bowen Gingrich Morrison
Breaux Ginn Murphy
Brinkley Glickman Murtha
Brodhead Goldwater Myers
Brooks Gonzalez Napier
Brown (CA) Gore Neal
Brown (OH) Gramm Nichols
Burgener Gray Nowak
Burton, Phillip Green Oaker
Butler Grisham Oberstar
Campbell Guarini Obey
Carman Gunderson Ottinger
Carney Hall (IN) Panetta
Chappell Hall (OH) Pashayan
Cheney Hall, Ralph Patterson
Chisholm Hall, Sam Pease
Clay Hammerschmidt Pepper
Clinger Hance Perkins
Coats Hansen (ID) Peyser
Coelho Hartnett Porter
Coleman Hawkins Price
Collins (IL) Heckler Pritchard
Conable Hefner Quillen
Conte Heftel Rahall
Conyers Hertel Rangel
Coughlin Hightower Ratchford
Courter Hiler Reuss
Coyne, James Holland Rhodes
Coyne, William Howard Ritter
Craig Hoyer Roberts (KS)
Crane, Daniel Hubbard Roberts (SD)
Crane, Philip Huckabee Robinson
Crockett Hughes Rodino
Daniel, Dan Hutto Roe
Daniel, R. W. Hyde Roemer
Daschle Jeffords Rose
de la Garza Jenkins Rostenkowski
Dellums Jones (NC) Rousselot
Derrick Jones (OK) Roybal
Derwinski Jones (TN) Russo
Dickinson Kastenmeier Sabo
Dicks Kazen Savage
Dingell Kemp Scheuer
Dixon Kennelly Schneider
Donnelly Kildee Schumer
Dorgan Kogovsek Seiberling
Dougherty LaFalce Sensenbrenner
Dowdy Latta Shamansky
Downey Leath Shannon
Duncan Lee Simon
Dunn Leland Skelton
Dwyer Lent Smith (IA)
Dymally Levitas Smith (PA)
Early Lewis Snowe
Eckart Livingston Solarz
Edgar Loeffler Solomon
Edwards (AL) Long (LA) Spence
Edwards (CA) Long (MD) St Germain
Edwards (OK) Lott Stangeland
Emerson Lowry (WA) Stanton
Emery Luken Stark
English Lundine Staton
Erdahl Lungren Stenholm

Stokes
Stratton
Studds
Stump
Swift
Synar
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt

Anderson
Archer
Ashbrook
Atkinson
Hillis
Bafalis
Bailey (MO)
Bedell
Benedict
Bethune
Bouquard
Brown (CO)
Broyhill
Byron
Clausen
Collins (TX)
Corcoran
D'Amours
Dannemeyer
Daub
Davis
Deckard
DeNardis
Dornan
Dreier
Dyson
Evans (IA)
Fascell
Fiedler
Fields
Florio
Gaydos
Gillman
Goodling
Gradison
Gregg
Hamilton
Hansen (UT)

Albosta
Bellenson
Blanchard
Bolling
Broomfield
Burton, John
Chappie

NOT VOTING—21

□ 1550

Messrs. **SILJANDER, FIELDS, BROWN** of Colorado, **ARCHER, LAGOMARSINO,** and **MC EWEN** changed their votes from "aye" to "no."

Messrs. **WILLIAMS** of Ohio, **LONG** of Maryland, **DUNN, PHILIP M. CRANE,** and **DANIEL B. CRANE,** and **Ms. MIKULSKI** changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAXLER

Mr. **TRAXLER.** Mr. Chairman, I offer an amendment which has been in order by the rule and duly printed in the **RECORD.** It is amendment No. 1.

The Clerk read as follows:

Amendment offered by Mr. **TRAXLER:** On page 27, after line 9, strike out the section added to the resolution by the amendment offered by Mr. **Fazio,** and insert in lieu thereof the following:

Williams (MT)
Williams (OH)
Winn
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Young (FL)
Young (MO)
Zablocki
Zeferetti

NOES—109

Harkin
Hatcher
Hendon
Hillis
Holt
Hopkins
Horton
Hunter
Ireland
Jacobs
Jeffries
Johnston
Kindness
Kramer
Lagomarsino
Lantos
Leach
LeBoutillier
Lowery (CA)
Lujan
Madigan
Marriott
Martin (IL)
McCollum
McDonald
McEwen
McKinney
Michel
Mitchell (MD)
Mitchell (NY)
Moore
Moorhead
Mottl
Natcher
Nelligan
Nelson
O'Brien

Oxley
Parris
Patman
Paul
Petri
Pickle
Pursell
Regula
Rinaldo
Rogers
Roth
Roukema
Rudd
Santini
Sawyer
Schroeder
Sharp
Shaw
Shelby
Shumway
Siljander
Skeen
Smith (AL)
Smith (NE)
Smith (NJ)
Smith (OR)
Snyder
Tauke
Volkmer
Walgren
Weber (OH)
Whitten
Wirth
Wyllie
Yatron

Sec. 129. Section 101(e) of Public Law 97-276 is amended by striking out "December 17, 1982," and inserting in lieu thereof "March 15, 1983."

The **CHAIRMAN.** Pursuant to the rule, the gentleman from Michigan (Mr. **TRAXLER**) will be recognized for 15 minutes, and a Member opposed to the amendment will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. **TRAXLER**).

Mr. **TRAXLER.** Mr. Chairman, we have an issue with which we are all familiar. We have been around this track a number of times.

I am aware of the arguments in favor of a congressional pay raise, as well as for executive staff and for the judges and the President. I am not unmindful of the fact that the Congress has run about 125 percent behind the inflation rate since 1969. I am aware that since 1977 the Consumer Price Index has increased some 62 percent while the salaries of the President and members of the Judiciary and the Congress have increased 5½ percent. Furthermore, I also know that there are prominent and very worthwhile organizations and media, such as Common Cause, the Washington Post, and the New York Times, and others, that support some reasonable approach to salaries. But I am compelled, in view of the dire economic circumstances in my State, 17 percent unemployed, to offer this amendment and to plead with the Members to recognize that while the need may be there, the time is not here. The timing is very poor, and I would urge this body to defer the issue until the economy has made a recovery and keep faith with the less fortunate than we are, the unemployed in my State and in this Nation. Please cast your vote for my amendment which keeps the present cap, thus allowing no raise for the President, Federal judges, executive personnel, and Members of Congress.

Mr. **VOLKMER.** Mr. Chairman, will the gentleman yield?

Mr. **TRAXLER.** I yield to the gentleman from Missouri.

Mr. **VOLKMER.** Mr. Chairman, I would just like to echo the remarks of the gentleman from Michigan (Mr. **TRAXLER**) and rise in support of the amendment.

Mr. Chairman, I rise to state my total opposition to any pay increase for Members of Congress. I opposed the **Fazio** amendment to stress this point. The intent of the amendment was to increase the amount of the pay for Members of Congress by approximately \$9,000.

Mr. Chairman, I remind my colleagues that our country is in a very serious depression, only surpassed by the Great Depression. Twelve million Americans are out of work, and heat-

ing costs are making millions of Americans, especially the poor and elderly face the decision of having adequate heat or adequate food. I cannot with good conscience even consider increasing the pay for Members of Congress with these problems facing my constituents. I am sure most of you have similar situations in your district.

Mr. Chairman, I urge my colleagues to think very seriously about the impact of increasing pay at a time when our country and its people are fighting to survive. I say to you that it will be a positive sign that we are aware of the problems and are willing to lead the way toward economic recovery if we do not increase pay for Members of Congress.

Mr. Chairman, I support the Traxler amendment to continue the pay cap and will vote in that manner.

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

Mr. TRAXLER. I am pleased to yield to my distinguished colleague, the gentleman from Indiana.

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

Mr. Chairman, I find myself in a difficult position. I recognize, as the gentleman has stated, the equity in the case for a congressional pay raise. But I join with the gentleman in questioning the timing of a pay raise at this particular time.

There are two serious problems, it seems to me. First of all, there is no good time for a pay raise. We have all experienced that before, and I have voted for them and I have voted against them. But at this particular time I think it does two things. First of all we have a tremendous rate of unemployment, 10.8 percent, a record rate since the Depression years of 40 years ago.

□ 1600

Many, many people in addition to that are teetering on the edge of losing their business or losing their jobs. In view of these economic times I think that it is almost unbelievable that we sit here in Congress and raise our pay.

Second, I feel that it destroys the credibility of us with these constituents and also it undermines their public confidence in an institution such as this one, going forward in these economic times and voting ourselves this raise in our pay.

So it is with regret that I have to rise and express my opinion but certainly I think it should be considered. I thank the gentleman for yielding.

Mr. TRAXLER. I thank my distinguished colleague for his contribution.

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

At this time I yield such time as he may consume to the gentleman from South Carolina (Mr. HOLLAND).

Mr. HOLLAND. Mr. Chairman, among the issues I have confronted in

my 8 years in Congress, the most volatile, the most troublesome, has been the recurring question of congressional pay. This matter sends Members searching for reasons to defy reason itself. It causes the press to literally foam at the mouth for its nature as a tasty morsel waiting to be devoured by all readers. It has generated into the congressional offices a class of mail unequaled in angry rhetoric.

How many times I have stood on the House floor to have my colleagues tell me they need the money, it is the right thing to do, but they fear the political consequences of voting for a pay raise for themselves. There are a few hearty souls who have enough political strengths and candor to support pay increases, but they do not come near a majority. I number myself among that minority, although I must confess that I have never felt comfortable with setting my own pay at the public expense. My approach has been to try to convince my constituents that they are getting their money's worth. After all, my salary amounts presently to 12 cents per constituent per year.

There is much misinformation at work upon the public mind about the cost of government generally and the Congress in particular. Recently, The State published an editorial saying that each Congressman cost the public \$2.6 million. The source quoted was Tax Foundation, Inc., a Washington-based interest group of dubious repute. I called this organization and requested, several weeks ago, a copy of the study from which this figure was derived. That request was repeated last Friday, and has not yet been honored.

The fact is that the \$2.6 million amount is so flagrantly false that it cannot be supported. The Tax Foundation, Inc., is a liar. The State, without any analysis or examination, republished this absurdity. The public became upset, and I don't blame anyone for being incensed. But Congress got another bad mark and its elected Members got more wary about their status as an important branch of our Government.

Another source of misinformation surrounding congressional pay is an element among the Members themselves. There is a tendency to exploit this issue for political gain. After all, we love to hear a Congressman talk about how he or she singlehandedly saved the taxpayers a bundle of money. Too many, I suppose, have gained a seat in Congress by running against and running down the institution.

The ones who make me weary are those who are independently wealthy, who should serve without pay, who always vote against pay increases, who make high-fidelity speeches opposing, and who then accept the money and

put it in the bank along with their dividends, rent income, interest, and various pension payments.

As a lawyer in Camden seeking my first term in Congress, I shared the general public attitude about this matter. At that time the pay was \$42,500 per year. I had never examined the higher cost of living in Washington, had no reason to wonder about the cost of maintaining two residences, one in the world's second highest real estate market, our Nation's Capital, and honestly considered that pay level to be adequate.

Soon after arriving in Washington, I discovered that one-bedroom apartments rentable in Columbia for \$250 could be occupied for \$800 to \$1,200 a month. The first breakfast I bought myself in Washington was \$8.50 (one egg, toast, coffee, bacon, no grits).

Once, we purchased a three-bedroom frame house with two baths (both indoors) on a small lot in a subdivision 8 miles down the congested freeway from the U.S. Capitol. I might mention that the neighbors were not overly friendly to a Member of Congress and none ever came over just to say, "Welcome to the old warm and friendly neighborhood." One man came by as we were moving out a year later to offer his help since we were leaving.

This house could have been purchased in South Carolina for between \$30,000 and \$35,000. Our bargain-basement cost: \$90,000, because the owner had to make a quick sale. The annual property tax on this mansion—\$1,134.

After selling the Washington residence, I became famous for sleeping in my office as a protest against the \$600 to \$800 rent on roach-infested, dust-filled basement apartments. My protest, however, did nothing to bring down rent in D.C. One constituent expressed pride that his Congressman was the only one who ever gained any publicity for sleeping alone.

Following my failed rent protest, Congress enacted a law allowing Members to deduct the costs of living in Washington. I then rented a one-bedroom apartment because the ability to deduct its full cost was some help. A great furor erupted in the press and the public became aroused. Congress caved in. The result: Congress looks weak-kneed and I have a tax deduction I can't take.

Next year, when I become a private citizen with a Washington apartment, I will be able to deduct the cost of even the most lavish apartment as a cost of doing business in Washington. There's something out of place when Congress would not be allowed to have equal treatment under the law.

The law that allows Congressmen to deduct \$3,000 a year was enacted in 1952. Consider, also, these statistics:

Since 1969, the Consumer Price Index has risen 176 percent. Members' pay has risen from \$42,500 in 1969 to \$60,662.50, for a percentage increase of 42.7 percent. That is a difference of 134.3 percent.

Since 1977, the CPI has increased (1977 to Oct. 1982) by 62.5 percent. Members have only received one raise of 5.5 percent in 1979.

Since 1977, civil servants have received the following increases: 1977, 7.5 percent; 1978, 5.5 percent; 1979, 7.02 percent; 1980, 9.11 percent; 1981, 4.8 percent; 1982, 4.0 percent, total, 37.48 percent. This compares with 5.5 percent for Members.

It is a well-known fact that I have some friends in the entertainment business. One of my friends is paid \$50,000 per night for two shows in which he sings songs (no dancing). Kenny Rogers, I read, made \$30 million last year. The professional football players' strike obtained each player a \$40,000 increase.

Now, I have nothing but admiration for these singers and athletes. However, I am not ready to turn the Government over to them. I don't think they could manage it. What we ought to do, though, is examine our priorities. I do not think we would exchange our form of representative government for any other system, and we should be prepared to pay for what we are fortunate enough to enjoy.

My retirement from Congress will enable me to provide for my children's education. Then I will reenter politics at some level. I am proud to have served my country in this way and would do it again with one exception: I would have been a much better Representative had I not suffered the worry and indignity of financial problems.

In government as in all things, we get whatever quality we pay for. I am afraid we Americans are short-changing ourselves in this area and should take on a new attitude about this matter.

Next week I will vote for a congressional pay raise again, although I am not to be affected by it. Whatever my Congressman costs me as a taxpayer is a good deal.

Mr. FAZIO. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I think it is crazy for us to vote on our own pay because it is inherently a conflict of interest. But the Constitution requires it.

As the Members know, the law provides that Members of Congress are supposed to get the same amount of pay increases annually as other Federal workers. We have turned those down in 5 out of the last 6 years. The result has not been that this place is any better off or that the taxpayers are better off. The result has been that Congress has found other ways,

at least some Members have found other ways (such as speaking fees from special interests or special tax breaks) to go through the back door for pay raises which are less healthy for the institution than when we do it through the front door. That hurts the integrity of the entire House.

I personally think 15 percent is too high. As the Members know, I have been arguing for a smaller figure. But anybody who believes that the 15 percent figure is too high can solve that problem by simply turning back to the Treasury the amount which they think is excessive.

Over the last 6 years, salaries in the private sector have risen 46 percent, salaries for other Federal workers have increased 37 percent. Congressional salaries have risen 5½ percent.

I simply want to say, unless you believe that Members of Congress ought never get a pay increase, that some raise is justified just as almost every other group in society has had some raise over the last 4 and 5 years.

I ask you to do that, not to vote for zero because everybody knows in this place, in their hearts, that that is not the responsible thing to do for this institution. Do what you know is right for the integrity of this institution and do it through the front door today.

I also ask that in the future you be prepared, and this is terribly important, that you be prepared to vote on an annual basis to provide the same kind of adjustment for Members of Congress that the President provides for other Federal employees so that Congress avoids large increases every 5 years or so. That in the long run serves the taxpayers best. It will help keep this place a cleaner and a more honorable institution. It will help us resist the pressure for backdoor gimmicks.

We are entitled to the same raises as other Federal employees. That is fair. Congress should not be depending upon special interests to supplement and increase congressional pay through honoraria or other tax gimmicks.

I ask my colleagues to do what is right for the long term independence of this institution and to vote against the Traxler amendment.

Mr. TRAXLER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Chairman, I rise in support of the Traxler amendment. I voted in favor of the amendment that came forward a moment ago in order to get on the Record the fact that it was the lesser of the two evils to vote for that amendment.

In any event, the vote then was to increase your pay a certain amount but less than the evil we would have if we voted against that amendment.

This amendment would be to restore the cap.

Maybe some of you can justify a vote to raise your salaries. I would be the last one in the world to say maybe in some instances it might not be justified.

But in my district, the First District of Texas, I cannot go back in good faith and tell 3,500 men and women who were let off from Lone Star Steel at Lone Star, Tex., last August, who are living on a meager existence of approximately \$250 every 2 weeks and maybe not that much, that it is time for me to raise my salary as a Member of this House. I cannot do that.

I do not believe, regardless of all the publicity that has come our way lately with reference to what Martin Agronsky and his people said, what Common Cause said and what others have said, that now is the time to increase our salaries.

So I respectfully request that those who are getting ready to vote to vote to extend the pay cap and leave our salaries as they are at this time.

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

Mr. SAM B. HALL, JR. I yield to the gentleman from Texas.

Mr. KAZEN. I wish to associate myself with the remarks of the gentleman. I, too, support this amendment.

I made commitments to vote against a pay raise during my last campaign and I mean to keep them. I am against the pay raise and therefore will vote for the amendment.

Mr. FAZIO. Mr. Chairman, I yield 3 minutes to the chairman of the Committee on Rules, the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Chairman, I had not planned to speak to the House again before I retired. I had not been aware that this matter was going to come up because I had been ill for a number of weeks. I hope you recognize that I am no longer ill, that I am feeling fine.

I am feeling so fine that I am delighted to have an opportunity to take on this issue which I consider one of the most important issues that faces the Congress this or any other year.

I think our inability as an institution to deal with this issue has put us on the road to destroying the democratic process. I know that our people often think, unless they are met with honest answers, that it is ridiculous for us to think that we should be paid more than \$60,000 a year.

But I have had an experience with a district in the center of the country that was always represented by a conservative with 2 years' exception over a 40-year period until I became the Representative from that district.

I have voted for every pay increase that has ever been before this institution. I have been proud of that vote

and I have taken it back to my people. Rather clever people with a good deal of financing have tried to beat me with that issue and it has never even begun to take hold.

This is something that is a test of the courage of the Members of Congress. If we have not the courage to deal with our own pay, what makes anybody think we have the courage to deal with the great issues of the world?

That is what we are responsible for dealing with.

It seems to me imperative that we defeat this proposition and stand by the one that has passed in the hands of the gentleman from California (Mr. FAZIO).

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I do not know of anything more important than that we have the character, the courage, the guts, whatever you want to call it, to explain to our constituents why it is important for Members of Congress not to be paid what good ones are worth—they would be paid as are the great executives of great corporations—but be paid a living wage so that they do not have to be ashamed if they do not have money beyond their pay, they do not have to be ashamed of the education they give their children or the status that their wives have.

I do not think there could be a more important thing that this Congress could do than to support what it is has already supported overwhelmingly by defeating this proposition.

I urge the Members to recognize that they can face up to their constituents. I urge the Members to recognize that it is not pertinent that there are a large number of unemployed today. They would like us to have a decent pay. They would like to have decent pay for themselves.

Mr. TRAXLER. Mr. Chairman, I yield such time as she may consume to the gentleman from California (Ms. FIEDLER.)

Ms. FIEDLER. Mr. Chairman, I rise in support of the amendment.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. Mr. Chairman, today, the House will attempt to vote itself an increase in its own pay—and I plan to adamantly oppose this action.

At a time of high unemployment and hard times, a pay raise for Congressmen would send the wrong signal to the taxpayer and the American public.

Until the fiscal health of Government and the economy is restored, Congress does not merit an increase in its own pay.

The reason for this is clear.

The American people understand that the cost of living in Washington

is high and the expense of maintaining a residence at home and in Washington is prohibitive. But they also understand that this Congress has refused over and over again to act in their best interests to bring spending under control.

As we wind up the 97th Congress, we have witnessed at best a small decrease in the rate of growth in Government spending.

I intend to vote against every attempt at an increase in congressional pay and benefits until such time as Congress respects the will of the American people to bring spending under control and restore the health and vitality to the American economy.

It is unconscionable for this body to consider an increase in its pay while the American public continues to suffer from its unwillingness to address the economic problems we face in this country.

Mr. TRAXLER. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from Maine (Mrs. SNOWE).

Mrs. SNOWE. Mr. Chairman, I rise in support of the Fazio amendment which places a cap on congressional pay at \$69,800, thus preventing a possible 27 percent pay raise.

Since my election to Congress, I have consistently supported a pay cap whenever it has come to the floor for a vote. I urge my colleagues in the House to join with me in limiting what would otherwise be an unacceptable increase. I do not know how the figures translate to every State in our Nation, but I do know that if this amendment does not pass, the potential \$17,000 pay raise would be nearly \$5,000 more than the average Mainer earned during all of 1981. With nearly 11 percent of our Nation's work force out of work, to vote otherwise would be unconscionable.

I plan to support the Fazio amendment now. I will also support the Traxler amendment to cap our pay at its current level. I urge my colleagues to do likewise.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Chairman, I rise in support of the amendment. Unemployment in this Nation is nearly 11 percent. In some counties in my district, it is twice that amount and more.

We have looked to every aspect of our Federal system to reduce the burden of growing Federal expenditures. We have looked for waste, cut programs and reduced Federal employment by about 100,000.

I am not saying that a raise is not deserved. There are those who perform their duties in such a manner that they deserve a great deal more than is being considered here today. But these are not the times to be rais-

ing congressional pay. We should lead this country. We should not ask the people of this Nation to "do as we say, not as we do." That is not leadership, it is hypocrisy.

A great many Members have stood before this body today and compared the salaries of Members of Congress to salaries paid to executives in private enterprise. Repeatedly, they have drawn from that comparison that Members are underpaid. Well, if we are going to liken ourselves to these executives, let us take the comparison further and compare the performance of those companies to the manner in which this Government is run. Frankly, any executive serving a company that loses \$100 billion each year, would not get a raise. He would get fired.

I compliment the House for bringing this issue to the floor for a full and open vote. It was the fair and honorable thing to do. While I would agree that a discussion of equitable congressional compensation is long overdue, I cannot return home and explain how a raise at this time is justified, no matter how well deserved you might think it is. The builders in my district deserve to be building houses. The miners standing idle deserve to be in the mines working. The loggers, the farmers, the real estate agents, all deserve better compensation than they are receiving now. They cannot vote themselves a raise. They must earn it, and they will, when we earn ours and put this Nation back on its economic feet again.

Leadership begins at the top. We are facing a true test of that leadership now. I am in support of continuing the congressional pay cap and ask that you vote in favor of the Traxler amendment.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I rise in support of the amendment.

I have consistently supported the proposition that Congress should not vote itself a pay raise without an intervening election so that the people can decide whether or not to rehire their representatives at the new rate. Therefore, I am opposed to any congressional pay raise at this time, and if any is passed, I will donate mine to charity.

A \$9,000 or \$17,000 congressional pay raise under current economic conditions would be clearly excessive even if we had passed it before the election.

I do not know about your district, but in the sixth District of Wisconsin either \$9,000 or \$17,000 is a lot of money. Many of my constituents would be happy to be earning \$9,000, much less getting a \$9,000 raise. When people are hurting in Wisconsin and all across the country due to the cur-

rent economic climate, it is unconscionable that Congress should seek to reward itself in this manner.

This raise is both untimely and excessive, and I urge my colleagues to support the amendment in order to retain the current cap on congressional pay.

Mr. TRAXLER. Mr. Chairman, I yield to the distinguished gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Chairman, I rise in support of the Traxler amendment which continues the freeze on pay for Members of Congress at the level of \$60,662.50.

Certainly a good case can be made for the need to have a fair and appropriate housing allowance to offset the enormous and burdensome cost to Members who maintain homes in their districts and also have to live in Washington during session, and even an occasional cost-of-living pay increase may be justified. However, this is absolutely the worst time to be considering such matters. Estimates for the deficit next year go as high as \$200 billion; the public debt of our country has accumulated to the point now that it is well in excess of \$1 trillion, and the interest on this debt exceeds \$100 billion a year. Unemployment is raging at a post-World War II high, and all indications are that we are a long way from a return to traditionally good economic times. All of this is due to the failure of this Congress and past Congresses to balance the budget and bring about a sound fiscal policy necessary to give us low interest rates and high employment and productivity in the private sector without runaway inflation. The public knows this, and for Congressmen to vote a pay raise for themselves under these conditions is a slap in the face to the taxpayers who sent them here.

The straightforward manner in which this matter has been presented and is being debated is commendable, but now is simply not the time to even be considering a pay increase. I strongly urge my colleagues to join me in voting for the Traxler amendment to freeze our pay at the present level.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to my colleague on the committee, the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I rise in support of the amendment.

Although Members of Congress have not had a pay raise for 4 years and certainly deserve one, this is the wrong time to approve one. The national unemployment rate is 10.8 percent, the highest since the 1930's. Unemployment in Dundalk and Essex in my district is 20 percent—nearly twice the national average. Thousands of laid-off workers have already exhausted or are quickly running out of unemployment benefits. Many have no means at

all of providing for their families; meeting their monthly home, car, and utility bills; or bringing food to the table.

In the face of these economic calamities, how can I vote for a pay raise?

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, I rise in support of the amendment to remove the proposed 4-percent pay increase to Members of Congress and senior level Federal employees. Unless we act today, Members of Congress will receive pay increases when millions of our constituents cannot even find gainful employment.

The issue has been around for a long while and the arguments will be made that Members of Congress have not had much of a pay raise for quite a long time. Traditional arguments will be made pointing up that Washington is one of the Nation's most expensive cities in which to live and that a Member's salary just does not go far nowadays. Mr. Chairman, I have heard all of these arguments before and, while I am in agreement with many of the facts surrounding this issue, I must remind my colleagues that not one of us was forced to run for this job. For my part, I consider that I made a contract with my constituents to work for them in the Congress for the next 2 years at the current pay scale.

In the past few weeks our offices in Alabama and my office here in Washington have received considerable mail on this subject. I believe it would be fair to say that the tone of all of these letters is virtually unanimous. My people are opposed to a pay raise and rightfully so. Unemployment in my State of Alabama today is the highest of any State in the Nation and many of those employed are on the short-time 3-day work weeks and some are working a week on and a week off. There is a real squeeze on many families in my district to put food on the table and it will be a lean Christmas in many homes in my district.

At a time, Mr. Chairman, when virtually every segment of the economy is feeling a pinch in the purse strings, I must say to my colleagues that the larger increase being suggested is completely asinine and, even the smaller figure, the 4-percent increase, which in many Members' minds is acceptable, in my judgment, would be sending the wrong signal to thousands of Americans who are being asked to accept short-time layoffs and curtailment of salary increases in these severe economic times.

This Member of Congress opposed the congressional salary increase back in 1977 and I also voted against pay raises again in 1978, 1980, and 1981. I hope this legislative body will support the amendment being offered to

remove any and all increases in congressional pay from this continuing resolution. In the event we fail to remove this feature of the continuing resolution, Mr. Chairman, I shall be forced to oppose passage of the resolution.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WALGREN).

Mr. WALGREN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to urge my colleagues to join me in maintaining the present freeze against congressional pay raises.

At a time of devastating unemployment and economic hardship, I believe it is critical for the Congress to set an example—an example of extending ourselves toward others—not reaching for a benefit for ourselves.

With 11.5 percent of Pennsylvania's workers unemployed, over 135,000 people are out of work in the Pittsburgh area. Millions of Americans face their unemployment benefits ending and face the prospect of being unable to meet mortgage payments or rising heating bills. For these Americans to see the Congress raise its own salaries above the current \$60,600 level is, in my view, very damaging to the national spirit that is necessary to see many people through these hard times.

I understand the difficulties that many Members experience because of the high cost of living in Washington. But Members of Congress choose to run for office knowing the salary levels. And their economic inconvenience must take a back seat to public confidence in Government.

Those supporting the pay raise in this debate today have pointed out that congressional pay has fallen well behind inflation over the last 10 years and that the Congress has refused to take any "automatic" cost-of-living increases in 5 of the last 6 years. At some point, they argue, pay for Members of Congress must be adjusted to take account of inflation or we will find ourselves governed by mediocre people who accept other "outside" income from special interest groups.

I believe the public would support adjustments in pay for Members of Congress because the Nation and good government are best served when Government service is attractive. But in my 6 years in the Congress, I have yet to see a proposal that did not make any increase in pay effective immediately, if not before. We should follow the wisdom of the Founding Fathers when in proposing the 11th amendment to the Constitution in 1786, they included the requirement that no change in pay for Members of Congress be valid unless "an election intervened."

Clearly only Congress can change congressional pay because Congress is the highest legislative authority we have. But increasing pay after an election can only be seen as cynical by people who live and support families on the amount of money proposed as a "raise."

I want to share just two of the many letters about the proposed pay raise that I have received. One is from a man in the north hills of Pittsburgh. He writes:

After having watched the 11 o'clock news the other night, I came away in disbelief—not quite sure what I had just seen and heard. I saw old people weeping and crying in anguish—people who are disabled. Why? They had been informed of the probability of losing social security disability benefits. At that same moment, the local newspapers were again informing readers of another blitz cooking in Congress. What does it take to get a point across to the Congress? Once again it seems the greedy in Washington are determined to increase their salaries. We have people out here existing way below the poverty level—and not of their own choosing.

"Look around you," this citizen asks the Congress, "where is your conscience?"

An 85-year-old senior citizen from the east suburbs of Pittsburgh makes the same point about the irony of increasing congressional pay at a time of great pain throughout the country.

"I live on \$460 a month from social security," this senior citizen writes:

Property taxes on my home take \$106 a month. After other expenses, which keep going up, there's really nothing left. I am only one person in thousands who do not get pay raises. To pay for raises of our Congressmen and Senators is like taking food and lodging from the less fortunate. We all have to cut expenses where we can—there is a limit.

As many of you know, I have been outspoken in my opposition to backdoor attempts to disguise pay raises through special tax breaks and to hide pay increases in bills on totally unrelated subjects.

Today the House leadership should be commended for giving Members an opportunity to vote on the pay raise issue alone, up or down, in an honest, open manner. The Traxler amendment gives Members a clear opportunity to register their opposition to this pay raise.

I hope we have seen the last of congressional subterfuges designed to increase Members' pay without full debate and opportunity for recorded votes.

Earlier this year, I joined in a bipartisan effort to correct this problem once and for all. The Congressional Pay Reform Act was not considered by this Congress, but I—and I hope many others—intend to introduce this bill again in the next Congress.

The bill sets five important principles:

First. No Congressman would ever be eligible for a pay raise or change in tax treatment during his current term of office;

Second. No change in congressional pay or benefits could be made without a recorded vote;

Third. No change in pay or benefits could be joined with any other legislation but must be voted on by itself;

Fourth. No Congressman would ever be exempt from IRS audits; and

Fifth. No Congressman would ever be eligible for automatic cost-of-living increases.

When it comes to congressional pay, the integrity of Congress is at stake. I appreciate this opportunity to register my strong opposition to this proposed pay increase, and I urge my colleagues to join me in voting to freeze congressional pay at present levels.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support this amendment which would strike the language of the previously adopted amendment and would reinstate the pay cap, thereby preventing a pay raise for Members of Congress.

Those who support a congressional pay raise had a tactical advantage in today's debate. Because the bill we are considering does not contain a provision extending the pay cap, we have a situation in which Members of Congress would be eligible for a 27-percent pay increase.

The previous amendment, offered by the gentleman from California, gave us only the chance to vote for a 15-percent pay increase instead of the 27 percent. I oppose even a 15-percent pay increase, but voted for the previous amendment as the lesser of two evils—15 percent is bad, but 27 percent is even worse. Therefore I gave reluctant support to the previous amendment.

Now, however, we have an amendment which I can wholeheartedly support. This amendment would supersede the previous one, and in place of the 15-percent increase just adopted, it would restore the pay cap. This would mean that Members of Congress would not receive any pay raise.

As my colleagues know, the parliamentary rule governing consideration of this bill provided that these two amendments could be considered only in the order in which they were presented on the floor today. So as I said earlier, proponents of a pay raise had a tactical advantage in dealing with this issue.

Nevertheless, those of us who oppose any pay raise at all can still prevail if we will stand firm and vote "yes" on this amendment. A "yes" vote now will

undo the 15-percent amendment previously adopted, and will return us to our current situation, in which we have a pay cap in place preventing us from obtaining a pay raise.

In this Congress just drawing to a close, we have seen repeated efforts to get increased pay, benefits, and tax breaks for Members of Congress. Time and time again I have criticized these efforts and have asked how we could in good conscience vote to improve our own economic circumstances at taxpayer expense while we are calling upon the American people to make sacrifices.

We simply must not vote ourselves a pay raise during these difficult economic times. I urge my colleagues to vote for no pay increase by voting "yes" on this amendment that keeps a cap on congressional pay.

Mr. TRAXLER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan to cap the pay of Members of Congress at the current rate of \$60,662. This is simply not the time for Members to be raising their own pay.

I just voted against the amendment offered by the gentleman from California to increase Members' pay by 15 percent. While I think the House was taken a step forward by having a recorded vote on this issue, I think that it is wrong for Congress to raise its own pay when workers across the country are taking pay cuts to keep their jobs, or are losing their jobs, or working more than one job just to make ends meet. I cannot go back to my district in Nebraska and tell the people who have just been laid off from the Lockwood Corp., Great Western Sugar, Midwec Corp., or the Co-op Refinery that I have increased by own pay 15 percent.

So many people around the country today are wondering where their next dollar will come from. They are struggling to make ends meet. Farm income is at its lowest since the Great Depression. The effects of a devastated farming industry can be seen on Main Street. Farm implement dealers, auto dealers, feed and grain merchants, and many more of the businesses that support the farm community are hurting like never before. They are looking to the Congress to find a solution to this country's economic problems. What does Congress do? Congress attempts to raise its pay. At the very least this is bad timing.

Pay for Members of Congress is an issue that can be decided by the next Congress. It should not be decided in this lame duck session. The country has so many problems to be solved and so many other important issues before

it that should take precedence. We met in this lameduck session to finish up the people's business because we were unable to do so earlier in the year as we should have. Now we have left the people's business behind and turned to raising our own pay.

I urge the adoption of the amendment by the gentleman from Michigan to cap our pay at the current rate of \$60,662.

Mr. TRAXLER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, the gentleman from Michigan has introduced one of the most important amendments of this session, and it brings up the need that we have in this House to review the ethics bill. As I am leaving after 8 terms, I hope that early next session the House realizes that you need to eliminate and remove the so-called ethics bill. It has a good name, but the bill stifles initiative and the opportunity of Members to work. The ethics bill limits Members adversely.

I remember 4 years ago, when a gentleman from New York, Mr. Pike, stood here on the floor, and he said: "I am leaving this House." And he said: "You will not let me go home on weekends to practice law on small cases and earn a few thousand dollars, but if I wrote a book, I could make \$100,000. It is ethical to be a writer, but not ethical income to work as a lawyer."

This ethics bill has no equity, there is no fairness to it.

I can draw dividends when I am here, and that is considered equitable. But if you owned a hardware store and you made \$20,000 salary, that is considered unethical.

What we need to do is to change that ethics bill and for you all to go home more and work hard. You know, this Congress meets too much. The more we meet, the more laws we pass and the more Congress spends. In Texas the legislature meets 4 months every 2 years. That is saying the government of Texas manages the State with 2 months of legislating each year. Congress should cut our meeting time in half. Send the Members back home and allow them to work so they can earn a living. It would be the greatest thing in the world for the country. It would balance our financial responsibilities. Let us meet less in Congress. Let us go home and earn salaries on the weekends. But we cannot consider raising salaries while our budget is so large, and America faces severe unemployment.

Mr. TRAXLER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PHILIP M. CRANE).

Mr. PHILIP M. CRANE. I thank the gentleman for yielding, and I would like to indicate my support for the amendment and to join in the remarks

made by my distinguished colleague, the gentleman from Texas.

I have fought from its very inception the limitation on outside earned income. That is a decision, it seems to me, for our constituents to make. I happen to have eight children. To me it is more important to try to increase my income. I am willing to invest a whale of a lot of time and energy to do that, and I think any Member of this body has a perfect right to do it.

To suggest that in any way there is some sort of conflict of interest in doing that, it seems to me is absurd. My brother, the gentleman from southern Illinois, was a practicing dentist before coming to this body, and I challenge anyone to show me a single vote we have made on this floor that would constitute a conflict of interest if he continued to draw earned income from the practice of dentistry. I lectured professionally before getting to this body, and that, it seems to me, is one of the legitimate ways in which I can augment my income. If it means the diversion of too much time from my duties in this body or if there is a concern over the magnitude of outside earned income, that is a decision for my constituents to make.

The worker indeed is worth his salt. But I submit to you that the way to address this problem is: First, by eliminating that restriction on outside earned income; and second, lifting that stupid \$3,000 deduction for expenses that goes back to 1952 and treating us the way you treat any businessman in this country. This would resolve any of these economic problems without necessitating a pay increase.

Mr. FAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN. Mr. Chairman, for the benefit of the membership, I would like to list the following salaries, paid with public funds. They all exceed the \$60,700 received by Members of Congress. In my own city of Kansas City, the director of public works, a nonelected position, makes \$61,800; the finance director makes \$61,200. In the city of Los Angeles, the director of the bureau of sanitation—we are talking garbage here—makes \$69,500 a year; the deputy director of the city of Los Angeles, bureau of sanitation, makes more than anybody in this room, he makes \$64,164. That is the No. 2 man in garbage in Los Angeles. The chief of administration in the State of Wyoming, not a populous State, makes \$69,200. The chief of mental health of the State of Arizona makes \$93,000. And there is a school superintendent in White Plains, N.Y., who has 5,500 students under his control, who makes \$64,500. A more detailed list is as follows:

City positions:

Corporate counsel for Chicago..... 90,000.00

Administrative officer of Chicago city government.....	81,000.00
First assistant to corporate counsel for Chicago.....	68,796.00
Chief administrative officer for Detroit.....	64,900.00
City manager of Kansas City....	70,980.00
City manager of Fort Worth, Tex.....	72,612.00
City attorney of Cincinnati.....	62,082.00
Public works director of Kansas City.....	61,800.00
City attorney for Kansas City..	63,960.00
Finance director for Kansas City.....	61,200.00
Director, bureau of sanitation, L.A.....	69,572.16
Assistant director, bureau of sanitation, L.A.....	64,164.24
County position: Prince Georges County executive, Maryland.....	67,659.00
State positions:	
Chief of administration for Connecticut.....	67,624.00
Chief of banking of Alaska.....	64,452.00
Chief of agriculture for New York.....	65,700.00
Chief of administration for Wyoming.....	69,216.00
Chief of budget for Washington State.....	66,800.00
Chief of health for Alabama.....	68,003.00
Chief of health for Arizona.....	77,349.00
Chief of mental health for Arizona.....	93,078.00
School positions:	
Superintendent for Indiana schools.....	74,000.00
Superintendent for Montgomery County schools.....	70,000.00
Superintendent for White Plains, N.Y., schools—approximately 5,500 students.....	64,500.00
Superintendent of schools, Chicago—does not include pension funding.....	120,000.00
Deputy superintendent of schools, Chicago.....	63,747.00
Chief finance officer for Chicago School Board.....	100,000.00

Mr. FAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. BRODHEAD).

Mr. BRODHEAD. I thank the gentleman for yielding.

Mr. Chairman, I had not intended to support a pay raise, but I have changed my mind. I had thought originally that because of the hard times that our country is going through, and particularly the district and the State that I represent, that this was not the time for a pay raise. But having thought about it and reflected on the fact that I am leaving this body, and thinking about what is in the interest of the institution, I really and truly believe, Mr. Chairman, that it is in the interest of this institution and in the interest of the whole country and in the interest of the unemployed people, in the interest of the business people and the working people who are suffering from this recession, that we attract and keep the best people that we can in this body.

I think, as Chairman BOLLING said, it is a test of our courage, yes, but I think it is also a test of our honesty and a test of our wisdom, a test of our

honesty in the sense that if this were a secret ballot I think we would get a pay raise, because I think most Members will say, the majority of the Members will say, that we need to have it. It is a test of our wisdom, I think, because we know that this institution is under attack, and we know that this institution, the House and the Senate, the Congress of the United States, is one of the most precious assets of our country. We must protect that institution, protect it by holding and keeping the best people, protect it by trying to do something about the problem of the ethics of the Members and the attacks on our ethics from the outside. And that can only be done when we receive a decent rate of pay.

□ 1620

Now, you say that it is not the time for the pay raise. Of course this is not a good time. But in the 8 years I have been in this body it has never been a good time. It has been because, well, there is high rate of inflation, or we are cutting the budget, or the President has called for austerity. There is always a reason why it is not the time.

But there must be a time. There must be a time for a pay raise. And I submit that this is the time.

This is our opportunity to act with courage and with wisdom and with honesty and to do it as we are doing it in a straightforward and up front manner and go back and talk to our people about it and say, yes, this is in the interests of the whole country.

I urge a "no" vote.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, once again the House of Representatives is forced to consider a resolution on continuing appropriations without having an opportunity to vote on the individual items which it contains. Obviously, we must approve a resolution to keep the Government operating beyond this Friday, but the House leadership has done a disservice to us all by including pay raises for Members of Congress in this measure. We make a mockery of what we are trying to accomplish when we address congressional pay in this manner.

If Members of Congress are to be given a pay increase, there should be a separate vote so we can consider that idea on its merits. For too long we have penalized senior executives in the Federal Government by linking their pay increases with that of Members of Congress. As a result, we are no longer able to attract and retain qualified individuals to serve in Government. This is clearly reflected in the GAO determination that the executive turnover rate is over 90 percent—producing a disastrous brain drain.

Pay raises for executives in the Federal Government should not be tied up with pay increases for Members of Congress. By treating pay this way, we hold every Member of this body up to ridicule by the people of this Nation, and I might add, rightfully so.

No wonder the average American thinks Members of Congress are dishonest. We act like we are. We demonstrate our dishonesty for every American to see, when we fail to cast separate, recorded votes on issues of fundamental importance. We deserve the criticism and scorn we so frequently and generously receive.

Let us no longer hide behind senior executives on the pay issue but instead show the public that we have the courage to consider congressional pay raises, separately, on their merits.

Mr. TRAXLER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BURGNER).

Mr. BURGNER. Mr. Chairman, I will not repeat my earlier speech. But I do hope my colleagues would reject this amendment. This amendment would reimpose the pay cap and leave us right where we are. I have never questioned another Member's vote or their motivations. And I am not going to start now. I have great respect for my colleagues who differ with me very strongly on this issue. But for those of my colleagues who believe that good pay is essential to good government, and I do, and I think the gentleman from Missouri (Mr. BOLLING) pointed that out very strongly, this is one of the most important votes we are going to cast.

If you believe that good pay means good government, you owe it to the people you represent to vote for that, even if it is not very popular at the moment. We owe them our industry. And the public interest demands a better institution, and particularly a better senior executive service.

I said earlier that by forcing early retirement on senior executives, we are paying double. We pay their retirement pay, with the cost-of-living adjustments, then we pay for their replacement. That just is not good sense. And we are getting less experienced people in the senior service. And we are losing good people from Congress.

I urge my colleagues, in the interests of their constituents, to reject this amendment.

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

Mr. BURGNER. I yield to the gentleman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

Mr. Chairman, I would like to suggest to Members of the House, those of you who may hesitate to take this pay raise in the face of such suffering in the country, you do not have to take it, nobody has to know whether you take it or not. You can return the

money to the Treasury. If you do not approve of taking it under these conditions, you can return the money to the Treasury and you will not have profited yourselves.

So if that is causing a hesitation, I hope in the interests of the whole, it will not cause a "yea" vote for this amendment.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, I rise in support of this amendment and in opposition to raising congressional pay.

We are here as representatives. If you represent your district, ask yourself how they would vote. And there is little doubt that your constituents would oppose this pay increase. As their voice in Washington, do you not have a responsibility to see that their views get represented? I think so, and I think it is a responsibility that should not be ignored.

The Traxler amendment should be supported because it says what the country believes.

● Mr. PURSELL. Mr. Chairman, during my entire career in public service, as a member of the Wayne County Board of Commissioners, as a member of the Michigan Senate and as a U.S. Congressman from Michigan's Second Congressional District, I have never supported an increase in my own salary. During a period of severe economic decline in Michigan and the United States, action by the Congress to increase the salaries of its Members is totally inappropriate.

In Michigan, for example, the unemployment rate exceeds 17 percent. For almost 36 consecutive months, Michigan's unemployment has been in double digits. Until workers in Michigan and other industrial States experience better employment opportunities, it is unreasonable for the Congress to vote itself any increase in pay.

During House consideration of this matter, I voted against an increase in congressional salaries and for an amendment to cap congressional salaries at current levels.●

● Mr. COURTER. Mr. Chairman, regardless of whether or not one chooses to support a pay raise, we must certainly be opposed to the way that this pay raise has been proposed to the Chamber. I was outspoken against previous attempts in 1980 and 1981 to increase Members salaries specifically because of the manner in which these raises were enacted. In addition, I was one of a number of Members who sponsored legislation to repeal the increased benefits we gave ourselves last year. I am, in fact, amazed that, after the public uproar surrounding last year's controversial and back-door ap-

proach to raising our salaries, we would again attempt to increase our earnings in the same secretive fashion.

I am not opposed to a pay raise per se. Our salary increases fall well below the rise in the CPI, and this alone is reasonable justification for additional income. However, the experience of last year's pay-raise fiasco should have taught us, once and for all, that this is an issue of importance to our constituencies. While it is true that any attempt to raise our salaries will be unpopular with some sector of the population, we can never hope to win public approval of such measures until we are willing to argue straightforwardly as to why we feel we are warranted in requesting more of the taxpayers' money. It would have been far more appropriate to vote on this issue prior to the elections. We then would have demonstrated that we truly believe in the need for a pay raise by showing our willingness to go to the polls on this issue. But by waiting until after the election, when everyone can feel secure in his position for the next 2 years, we are sending the signal that we ourselves are not convinced of the fairness of this raise.

Members of Congress are in the position of being constitutionally empowered to determine their own salaries. This is an unusual, some might claim enviable situation. However, with this position comes a great responsibility not to betray the public trust. I believe it is possible for us to provide ourselves with the salaries that this demanding job warrants and still maintain the respect and support of the individuals we represent. But this can be achieved only if we are forthright and straightforward in debating this issue, and only if we are willing to take responsibility for our actions through the democratic process.●

● Mr. BEDELL. Mr. Chairman, the issue of compensation for Members of Congress has caused controversy since the first Congress in 1789. It should come as no surprise therefore that in recent years a number of efforts have been taken to defuse the dilemma of dealing with congressional pay by establishing compensation commissions, automatic cost-of-living raises or backdoor tax breaks. I have been opposed to all of these approaches. It is my strong belief that there is only one way that the issue of compensation for Members of Congress can be addressed and that is out in the open with a public debate and a recorded vote.

There may be justification for a reasonable cost-of-living increase for Members of Congress. Since 1977, according to the Joint Economic Committee, the Consumer Price Index (CPI) has risen 62 percent while pay for Members of Congress during this same period has risen just once by 5.5 percent in 1979.

However, Mr. Chairman, I plan to vote against the pay increase for Members of Congress because it is my opinion that the pay raise contained in the continuing resolution is excessive and unjustified in these austere times. Instead, I plan to vote to continue the pay cap for Members of Congress.

As I began to study this issue I was willing to consider the merits of a reasonable cost-of-living adjustment. I recognized the arguments that my colleagues have raised on this issue since it is true the Congress has denied themselves a pay raise for the last 3 years. Furthermore, a cap on our salaries extends over to a cap on the salaries of our senior career executives who make substantially less than similar executives in private industry according to a recent study.

However, it must be noted that our Nation faces the worst unemployment since the Great Depression. There are currently more than 12 million Americans out of work. Net farm income for farmers has fallen. Students are unable to obtain adequate college financial assistance. Our elderly live in fear of their monthly utility bill, and small businesspersons must face the possibility of prolonged hard times and even bankruptcy.

In light of these facts can we justify a 15-percent increase in pay for ourselves? I cannot support such a proposal. I believe this pay increase is too large and should be defeated. Furthermore, at this time I think we should approve the proposal to cap our salaries until a more reasonable increase can be presented to the Congress for debate and a recorded vote.●

Mr. TRAXLER. Mr. Chairman, I have no further requests for time, and I yield the balance of my time to the distinguished gentleman from California (Mr. FAZIO).

The CHAIRMAN. There are 8 minutes remaining.

Mr. FAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I do not want to repeat the points that have been made by other Members. But as one of the younger Members with a family who has revered the institutions of this democracy, I think the remarks of the gentleman from Missouri about whether or not we owe it to the institution are important to consider.

I simply think this decision is one that has to be made in a professional or a personal manner. It seems to me that a professional looks at the evidence in front of them and then makes a decision. If you look at comparability, there is no question if this were before a committee we would say, yes, it needs to be done. If we looked at it in terms of other laws that impinge upon our ability to earn money, then let us look at these other laws

later, outside income, \$3,000 depreciation, but these are not before us now. We have to look at the issue before us now.

It seems to me if the majority leader of the other body has said that he believes that Congress is institutionally incapable of setting its own salary, it is a challenge to this institution. If people have personal reasons for voting no, for example, if they want to return it to this institution, then I think they ought to find personal ways in which to evidence their beliefs. The gentlewoman from New Jersey indicated a very appropriate way for these personal responses.

It seems to me that we have to vote professionally. We have to vote for the institution, and the professional institutional vote is no.

Mr. FAZIO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, 15 years ago today I was sworn in as a freshman Member of Congress in this well. At that time the salary was \$30,000 a year. Today the salary has doubled, but the cost of living has tripled. I hope our colleagues will reject this amendment and have faith in yourselves.

I can tell the Members in going back to private life that I recognize that many of my colleagues with whom I have served are among the ablest men and women in the United States. You are also entrusted with the greatest responsibility in the United States, that of managing a budget in excess of \$800 billion. If any of us were shareholders in a company, we would insist that the people managing the company were the individuals most qualified to protect our interests and were paid accordingly. You are those people. And I would ask that you have faith in yourselves and vote yourselves a salary that is at least one-third to one-half what any of you of ability would be earning on the outside. It seems to me as one of your constituents that is what I should ask you to do as I retire from this body.

I want to make one further point. If any of you face an election candidate, whether you be Democrat or Republican, 2 years hence who campaigns against you on this issue, I will come to your district 2 years from now and campaign for you on that issue. I wish you luck.

Mr. FAZIO. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, there is little that I can add to the remarks of the chairman of the Rules Committee, the gentleman from Missouri (Mr. BOLLING), with respect to this institution. As a new Member, however, I am made more confident in my remarks

by his long-standing support of this issue and his long tenure in this body.

Let me say that this vote has ramifications far beyond just this body; far beyond the effect of our action or us individually.

I stood on this floor last year and discussed our ability to manage this Federal Government and to effectively provide competent personnel for our defense establishment. Last week we passed a budget of approximately \$232 billion for defense because we believed that the defense of this country was very important. This amendment will directly relate to the ability of our Government to hire and retain the kind of people with the kind of ability and quality that is necessary to effectively administer that kind of responsibility and to manage each and every program that this Congress has established.

When we hear of the sanitation director of Los Angeles and his deputy making more than any of us or our own Federal managers and of the mental health director in Arizona making \$93,000, when we hear of General Motors hiring at similar levels, we must realize that it is our responsibility to provide salaries which are competitive and fair and that will allow us to retain and recruit the best people that our country has to offer.

Mr. Chairman, I trust and urge that this amendment be defeated and that we act to provide compensation for our senior executives and ourselves consistent with the private sector, good management of our Federal Government, and with equity.

Mr. FAZIO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to this amendment. I believe it is time that we paid the Members of the House what they are worth. I really sincerely believe they are worth \$100,000 a year. I think it has been a shame that we have brought our salaries down far below the Cabinet officers. We are supposed to be coequal.

I do not doubt for a minute that if we took a poll of the wives or spouses of the Members, that the pay increase would pass overwhelmingly. Each of you just go home and check and see if that is not true.

The real reason I rise is I believe there is a constitutional issue here. We have allowed Members of the House and Senate to be paid less than the Cabinet officers and other top people in this Government. I think it is time we brought ourselves up to the proper level and truly become a coequal branch of Government. I would vote against this amendment.

Mr. FAZIO. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. GINN).

Mr. GINN. Mr. Chairman, I was greatly impressed by the comments of my dear friend, the gentleman from Missouri (Mr. BOLLING). He said that he had served here for many years and had never voted against a salary increase for Members of Congress. I have served here now for 10 years and I do not recall ever voting for one.

□ 1630

In fact, I have returned salary increases to the Treasury. I did not take advantage of the cost-of-living tax deduction.

Mr. Chairman, I came here 10 years ago in debt and I am leaving this institution in debt. Now, I hope that proves I have been honest, but I also hope that like myself today, you can mount the courage and do what we ought to do for this institution. It is definitely in the best interests of this institution that this modest salary increase for Members of Congress pass. You simply cannot maintain two homes and send children to college on the present salary.

Therefore, Mr. Chairman, as one of the last votes that I will cast as a Member of this body, I want it to be for the good of this institution.

I want to see all Americans be able to run for Congress and be able to live on the salary—and be independent. That is why this matter is so important to this institution.

Mr. FAZIO. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, we now have come to the final hour. We now know the facts. I think there is no question we all understand the need for this. We understand that the vast majority of the people here on the floor believe we should have a reasonable raise.

The question is whether our pride in the way this institution has handled this issue now will be matched by our pride in the way we conduct ourselves when it comes to casting a vote.

In the past in order to make our constituents feel that we are empathetic with their problems, that we have understood their concerns, that we wanted them to know we cared about their economic condition, we have denied raises to ourselves in order to placate them. That denial at some point turns against us. It turns us into a body that I think we all understand is less than we should be. It is often said that Members of Congress as individuals are improving with each election but when added together we add up to far less than the institution really ought to amount to, far less than the whole.

I see this opportunity as a chance to redeem ourselves in that context, to show we not only have the courage to deal with social security and a complex defense budget that is difficult for all of us to deal with, but that we also have the courage to own up to our

own personal needs and to be willing to stand before our constituents as human beings with real needs. We do not want to be on a pedestal. We want them only to understand us and our personal situation, the need to support two homes for example. We want them to understand us as real people who have families with bills to pay.

I do hope the Members will have the courage and take the opportunity to do what we know is right. I urge you to reject the amendment and to take a modest increase in pay for the next Congress.

● Mr. LONG of Maryland. Mr. Chairman, I rise in support of the Traxler amendment prohibiting an increase in the present salary of Members of Congress.

Although Members of Congress have not had a pay raise for 4 years and certainly deserve one, this is the wrong time to approve one. The national unemployment rate is 10.8 percent, the highest since the 1930's. Unemployment in Dundalk and Essex in my district is 20 percent—nearly twice the national average. Thousands of laid off workers have already exhausted or are quickly running out of unemployment benefits. Many have no means at all of providing for their families, meeting their monthly home, car, and utility bills, or bringing food to the table.

In the face of these economic calamities, how could I vote for a pay raise?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. TRAXLER).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 208, not voting 18, as follows:

[Roll No. 446]

AYES—208

Albosta	Clinger	Emerson
Anderson	Collins (TX)	Emery
Applegate	Conable	English
Archer	Corcoran	Erdahl
Aspin	Courter	Evans (IA)
Atkinson	Coyne, James	Fascell
AuCoin	Craig	Fiedler
Bailey (MO)	Crane, Daniel	Fields
Beard	Crane, Philip	Flippo
Bedell	D'Amours	Frank
Benedict	Dannemeyer	Fuqua
Bennett	Daschle	Gaydos
Bereuter	Daub	Gephardt
Bethune	Davis	Gilman
Bevill	de la Garza	Gingrich
Boland	Deckard	Glickman
Boner	Dickinson	Gore
Bonior	Dorgan	Gradison
Bouquard	Dreier	Gramm
Brown (CO)	Duncan	Gregg
Brown (OH)	Dunn	Gunderson
Broyhill	Dyson	Hall, Ralph
Byron	Eckart	Hall, Sam
Cheney	Edwards (AL)	Hamilton
Clausen	Edwards (OK)	Hammerschmidt

Hance	McEwen	Schroeder	Mollohan	Roe	Studds
Hansen (ID)	McKinney	Sensenbrenner	Murphy	Rostenkowski	Swift
Hansen (UT)	Michel	Shamansky	Murtha	Rousselot	Thomas
Harkin	Mikulski	Sharp	Myers	Roybal	Trible
Hatcher	Miller (OH)	Shaw	Napier	Russo	Udall
Hefner	Mitchell (MD)	Shelby	Nowak	Sabo	Vento
Hendon	Mitchell (NY)	Shumway	O'Neill	Savage	Wampler
Hertel	Moore	Siljander	Oberstar	Scheuer	Waxman
Hightower	Moorhead	Skeen	Obey	Schumer	Weiss
Hiller	Morrison	Smith (AL)	Ottinger	Seiberling	White
Hillis	Mottl	Smith (NE)	Patterson	Shannon	Whitten
Hopkins	Natcher	Smith (NJ)	Pepper	Simon	Williams (MT)
Horton	Neal	Smith (OR)	Feyser	Skelton	Winn
Hubbard	Nelligan	Snowe	Porter	Smith (IA)	Wolf
Huckaby	Nelson	Snyder	Price	Smith (PA)	Wright
Hughes	Nichols	Solomon	Pritchard	Solarz	Yates
Hunter	O'Brien	Spence	Rahall	St Germain	Young (AK)
Ireland	Oaker	Stangeland	Rangel	Stanton	Young (MO)
Jacobs	Oxley	Stenholm	Reuss	Stark	Zablocki
Jeffries	Panetta	Stump	Rhodes	Staton	Zeferetti
Jones (OK)	Parris	Synar	Robinson	Stokes	
Jones (TN)	Pashayan	Tauke	Rodino	Stratton	
Kazen	Patman	Tauzin			
Kildee	Paul	Taylor			
Kindness	Pease	Traxler			
Kogovsek	Perkins	Vander Jagt			
Kramer	Petri	Volkmer			
Lagomarsino	Pickle	Walgren			
Lantos	Pursell	Walker			
Latta	Quillen	Watkins			
Leach	Ratchford	Weber (MN)			
LeBoutillier	Regula	Weber (OH)			
Lee	Rinaldo	Whitehurst			
Levitas	Ritter	Whitley			
Loeffler	Roberts (KS)	Whittaker			
Long (MD)	Roberts (SD)	Williams (OH)			
Lowery (CA)	Roemer	Wirth			
Lujan	Rogers	Wolpe			
Madigan	Rose	Wortley			
Marriott	Roth	Wyden			
Martin (IL)	Roukema	Wyllie			
Martin (NY)	Rudd	Yatron			
McCollum	Santini	Young (FL)			
McCurdy	Sawyer				
McDonald	Schneider				

NOT VOTING—18

Beilenson	Goldwater	Rosenthal
Blanchard	Hagedorn	Schulze
Burton, John	Lehman	Shuster
Chapple	Martinez	Washington
Evans (GA)	Montgomery	Weaver
Fary	Railsback	Wilson

□ 1640

Messrs. VENTO, JOHNSON, and NAPIER changed their votes from "aye" to "no."

Mr. LANTOS and Ms. MIKULSKI changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1650

AMENDMENT OFFERED BY MR. COUGHLIN

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

The Clerk read as follows:

Amendment offered by Mr. COUGHLIN: On page 10, line 3, before the period insert: "Provided further, That no funds made available by this joint resolution shall be obligated or expended for research and development, design, or construction of the Clinch River breeder reactor project: *Provided further*, That appropriations made available in this joint resolution for the Clinch River breeder reactor project shall be available for the termination of contractual instruments for that project previously entered into pursuant to section 106 of Public Law 91-273 as amended.

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

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

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania (Mr. COUGHLIN) will be recognized for 15 minutes, and a Member opposed to said amendment will be recognized for 15 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, this amendment to eliminate funding for the Clinch River breeder reactor is offered on behalf of myself, Mr.

BROWN of California, Mr. WOLPE of Michigan, and a bipartisan coalition of Members.

I yield 2 minutes to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I rise in support of this amendment. I want to make it clear that I am a supporter of the breeder reactor program. I have been for the last 20 years. I supported breeder reactor research and development on the Joint Committee on Atomic Energy. I have supported breeder programs on the Science Committee. I believe that it is essential that this country have a breeder reactor program, but not that we build Clinch River at this time. I will give the Members several good reasons.

First, Clinch River was proposed at a time, 10 years ago, when we estimated that we would need 1,200 gigawatts of nuclear power by the year 2000. That estimate has now been changed down to about 250 or 300. When we approved the project, we were told that we were running out of uranium, that uranium costs would go sky high. They have actually dropped. We have a supply of uranium well into the next century. Uranium mining companies are going broke because they cannot sell uranium in today's market.

We were told that we needed the program at Clinch River because the Europeans were building a similar kind of plant. The latest issue of Science has a story headlined, "Europe's Fast Breeders Move to Slow Track."

The fact is, the Europeans, as they did on the Concorde, are beginning to back away their breeder program at this time. It is not necessary, nor is it economical, even in Europe, to generate electricity by breeder reactors. So we do not need to fear that they will preempt global markets in a bright new technology.

But, the most convincing reason is that the longer we continue this project the more of a burden on the taxpayers does it become. The GAO has estimated that when this plant has been finished it will still cost about \$100 million a year, above operating income just to continue it. This plant, if built, will not even pay its operating costs, to say nothing of the interest on invested capital. If we do not approve this amendment offered by the gentleman from Pennsylvania we commit ourselves not to the \$200 million for Clinch River that is in this budget, but to another \$200 million a year, or more, including costs, for the next 30 years. That is what led David Stockman to oppose Clinch River in his more rational hours here in the House.

Mr. BEVILL. Mr. Chairman, I yield myself 2 minutes.

The CHAIRMAN. Is the gentleman opposed to the amendment?

NOES—208

Addabbo	Derwinski	Heckler
Akaka	Dicks	Hefelt
Alexander	Dingell	Holland
Andrews	Dixon	Hollenbeck
Annuzio	Donnelly	Holt
Anthony	Dornan	Howard
Ashbrook	Dougherty	Hoyer
Badham	Dowdy	Hutto
Bafalis	Downey	Hyde
Bailey (PA)	Dwyer	Jeffords
Barnard	Dymally	Jenkins
Barnes	Early	Johnston
Biaggi	Edgar	Jones (NC)
Bingham	Edwards (CA)	Kastenmeier
Bliley	Erlenborn	Kemp
Boggs	Ertel	Kennelly
Bolling	Evans (DE)	LaFalce
Bonker	Evans (IN)	Leath
Bowen	Fazio	Leland
Breaux	Fenwick	Lent
Brinkley	Ferraro	Lewis
Brodhead	Findley	Livingston
Brooks	Fish	Long (LA)
Broomfield	Fithian	Lott
Brown (CA)	Florio	Lowry (WA)
Burgener	Foglietta	Luken
Burton, Phillip	Foley	Lundine
Butler	Ford (MI)	Lunnen
Campbell	Ford (TN)	Markey
Carman	Forsythe	Marks
Carney	Fountain	Marlenee
Chappell	Fowler	Martin (NC)
Chisholm	Frenzel	Matsui
Clay	Frost	Mattox
Coats	Garcla	Mavroules
Coelho	Gejdenson	Mazzoli
Coleman	Gibbons	McClory
Collins (IL)	Ginn	McCloskey
Conte	Gonzalez	McDade
Conyers	Goodling	McGrath
Coughlin	Gray	McHugh
Coyne, William	Green	Mica
Crockett	Grisham	Miller (CA)
Daniel, Dan	Guarini	Mineta
Daniel, R. W.	Hall (IN)	Minish
DeLums	Hall (OH)	Moakley
DeNardis	Hartnett	Moffett
Derrick	Hawkins	Molinari

Mr. BEVILL. I am in opposition to the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama (Mr. BEVILL) is recognized for 2 minutes.

Mr. BEVILL. Mr. Chairman, this is an unusual situation for the Energy and Water Development Subcommittee. I say unusual because usually we have one of the first appropriations bills through the Congress. This year we had our regular appropriation bill ready before the recess. The bill has been approved by the House Appropriations Committee. It is ready for consideration by this House.

But Mr. Chairman, this bill is a continuing resolution, providing interim funding for a few weeks, until our regular bills can get out. Certainly it is wrong to try to deal with such an important issue as the Clinch River project with limited debate and no opportunity for substitute amendments or other measures to perfect the will of this body.

Let me also point out that our Energy and Water Development Subcommittee has followed this project closely. We have heard all the testimony, reviewed all the facts from every one knowledgeable about this project—both nationally and internationally. We believe strongly you should support it.

You should know that Clinch River is a national project. It involves jobs from California to Massachusetts. It involves the skills of many highly trained technical personnel, as well as skilled craftsmen. Over 3,500 jobs are at stake on this vote.

The project has the support of the President, the great majority of our leading scientists and engineers and most energy experts who look to our future. It is supported by the leading labor and business organizations. Maybe you saw the statement in today's Washington Post.

More than that, the project is a necessary project if we are to provide the energy this country will need after the turn of the century. Let me give you a few facts.

First, a breeder reactor system can use the energy available from our uranium resources 60 times more efficiently than today's light water reactors. Certainly this ought to interest those of you devoted in energy conservation.

Second, the energy available from the uranium already mined and stored above ground as "tails" from our enriching plants for today's light water reactors is roughly equal to all our unmined coal and 3 times the energy in OPEC oil reserves.

Third, even at a very modest growth rate, the Nation will need to have twice the amount of electricity supply that we now have by the first decade in the 21st century. The long time required for developing this technology

and the tremendous investment in people and facilities would make it costly to the Nation and foolish to interrupt this development now. We would lose the benefit of over \$1.3 billion invested to date in this project.

Let me address five issues.

First, CRBR is foremost a research and demonstration effort. It represents the state-of-the-art of liquid metal fast breeder reactor technology in the world. Over 1,000 engineering changes have been made since the conceptual design was completed, incorporating the latest technological developments and improvements in safety systems, mechanical components, core design, and fuels.

Second, CRBR is the most economical means of developing breeder technology by the turn of the century. The site is now being cleared. The design is 90 percent complete. Over \$1.3 billion has been invested and 70 percent of the plant equipment is ready or on order.

Third, the CRBR effort has assembled an impressive team of people and facilities which are at the forefront of American breeder reactor development; 753 private utilities are partners in CRBR development.

Fourth, the current total cost estimate from the Department of Energy for CRBR is \$3.6 billion, including the \$1.3 billion already invested. This includes all engineering, design, procurement, and construction costs and accounts for current inflation estimates.

Finally, the CRBR may provide revenues far beyond its cost after it is operating as an NRC licensed powerplant and will contribute much to the public utilities knowledge of breeder safety and operations.

Let me strongly urge you to support the committee and vote "no" on this amendment.

□ 1700

Mr. BEVILL. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. HOPKINS).

Mr. HOPKINS. Mr. Chairman, Clinch River is a budget buster in the classic sense. Estimated to cost less than \$700 million when first authorized, Clinch now threatens to put the Government another \$8.8 billion in debt. When we are facing a Federal deficit looming as large as \$200 billion, this is simply unacceptable.

Certainly it is important to fund alternative research and development to secure long-term solutions to our energy problems. This particular project, however, does not fall into this category. The Department of Energy's own blue ribbon panel on energy priorities agrees with this assessment. Nothing can be clearer than their own report language:

The Energy Research Advisory Board believes that the construction of a breeder re-

actor demonstration at this time is not an urgent priority and thus, under current budget constraints, recommends that a demonstration be delayed until a future time.

It is hard to understand why we are being asked to ignore such excellent advice. As the General Accounting Office and other critics have pointed out, Clinch River stands virtually no chance of recovering its outlandish costs, despite the loud but hollow claims to the contrary. Industry realizes that the breeder would not be economical until the year 2050 and does not want to waste its money. That is why the taxpayers are being asked to foot the bill.

It is time to vote with the people who elected us and for sound budget policy against this large, uneconomical subsidy for the breeder lobby.

Mr. COUGHLIN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. McGRATH).

Mr. McGRATH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, once again we have the opportunity to eliminate the funding for the Clinch River breeder reactor, and I want to urge my colleagues to support the amendment of the gentleman from Pennsylvania.

It seems that each year we vote on this project, and the boondoggle seems to survive by a smaller margin every year. I hope that this time, a majority of my colleagues will see this project for what it really is: an unnecessary, uneconomic energy project which is totally inconsistent with the free market approach to energy development.

At a time when we are being forced to economize in so many other areas, it makes no sense to me to build this enormously expensive demonstration project. Clinch River will demonstrate nothing; the French have already constructed a commercial breeder, and long before Clinch River is finished they will have completed a new and larger version. Both have turned out to be uneconomic.

Clinch River will never fulfill the promise of endless, cheap energy. Consumers are being asked to finance through taxes an energy project which will not solve this Nation's energy problems. Perhaps the Wall Street Journal put it best:

Industry realizes that breeder technology won't be economical before the year 2030 (or later) and doesn't want to waste its money. That's why the taxpayers are being asked to foot the bill . . . Government generally has no business in the energy market. We see no reason to change that assessment in the case of Clinch River. (Wall Street Journal, 11/20/82)

In summary, I want my colleagues to note that the assumptions on which the CRBR was originally planned are no longer valid. The project was authorized on the assumption of a 7-per-

cent annual increase in the demand for electric power and a shortage of uranium to operate the less expensive capital intensive light water reactors that we have today. Electric growth is now expected to be 3 percent per year or less. The price of uranium continues to go down and the DOE estimated price for the year 2020 is half the figure needed to make breeders economical.

Now is the time to put a stop to this blatant abuse of the taxpayers funds. I urge my colleagues to support the amendment of the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. WEBER).

Mr. WEBER of Minnesota. Mr. Chairman, as a member of the Science and Technology Committee which, contrary to the points made by the previous speaker, is among the committees of Congress that did vote to halt funding for the Clinch River breeder reactor, I think it is important for the Members to understand that the reasons why we should terminate VRBR are very simple to understand.

Simply put, the economics of this project have changed drastically since its inception. Demand for electricity is not increasing at the rate it was when the project was initiated, and proven uranium deposits have nearly doubled, leading to a decline in uranium prices. Those two facts make the project non-competitive commercially. Members should understand, however, exactly what a vote in favor of Clinch River means in terms of the future of breeder technology. Members will be asked to vote for still additional breeder reactor projects in the future because the electric utilities industry clearly admits that a near sized prototype will need to be completed before this technology, even by the industry's own view, is competitive.

Mr. Chairman, if our Government continues to subsidize the construction of this and future breeder reactors, without any chance that those reactors will be commercially competitive, we will soon have, in effect, "nationalized" the nuclear energy industry.

I urge my colleagues to support the Coughlin amendment.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. MYERS).

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

Mr. MYERS. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, I rise in opposition to the amendment to delete funding for the Clinch River breeder reactor. This project has suffered long enough at the hands of opponents who have labeled it a "pork barrel politics." These individuals complain about the cost of the project, charge that the design is outdated,

and claim the reactor is behind schedule. Each of these alleged reasons for killing this project is a direct result of the delays its opponents have brought about since 1974. Had this project proceeded on schedule it would not face the increased costs inflation has brought about over the past 8 years. Despite these delays it has managed to incorporate the latest in breeder technology in its design.

The opponents of the Clinch River project ignore the benefits it promises in the future, as well as the jobs, and energy it will provide. The chief benefit comes in the energy technology this project will provide. It is impossible to imagine how we can expect to broaden our energy options without creating and testing a breeder model. Six nations have preceded us in the movement toward breeder technology.

We have a responsibility to prepare for the future. We cannot expect the current oil glut to continue. The breeder program will provide the technology, research, and model we need to prepare for our future energy needs. To scrap this project would not only be a waste of money, but also a waste of the human resources of time, experience, and hard work which has been invested. And we could not hope to recapture this loss in the future, so we would stand unprepared in the face of the next energy crunch.

I would urge my colleagues to keep the future in mind when they vote on this amendment. With the Clinch River breeder reactor we can look forward to a new technology, jobs, and a new energy option. Without it we will stumble about in the dark seeking the energy to light our way. I hope my colleagues will vote against this amendment.

Mr. MYERS. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I say to the Members of the Committee this afternoon that the chairman of the Subcommittee on Energy and Water Development of the Committee on Appropriations, the gentleman from Alabama (Mr. BEVILL), and I have been on this subcommittee for several years. Certainly Clinch River is nothing new to us, and most of the Members in this Chamber this afternoon know that we have been up and down this road a number of times.

If we are really serious about finding a new source of energy for the future so we will not have brownouts, it would be very impressive this afternoon if we were able by some technique to dim the lights down somewhat like we do in the summertime here, and we would dramatize that we do have an energy problem facing our country sometime in the future.

This is what Clinch River is all about. It certainly is not an answer all by itself. But if we in the United States are really serious about solving

our own problems, we cannot afford to turn our backs upon using some of the waste that is now being generated in the generating reactors around the country that burn nuclear. We are going to use the tailings here in the Clinch River reactor. It is the first generation, but it is a very, very important generation.

Mr. Chairman, if Members are concerned about our children and grandchildren having adequate energy in the future, they will vote against this particular amendment.

Mr. COUGHLIN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LUNDINE).

Mr. LUNDINE. Mr. Chairman, I rise in support of this amendment to delete funds for the Clinch River breeder reactor. As a member of the House Science and Technology Committee with primary jurisdiction over our energy research and development program, I am convinced that to proceed with this project is not in the best interests of a balanced energy program and that breeder technology will not be commercially feasible until at least the year 2030.

As you all are aware, we are facing a serious budget crunch that has forced drastic cuts in the area of energy research as well as many other areas of the budget. Funds for coal, solar, other nuclear projects, and conservation have all experienced major budget cutbacks over the past 2 years. While we have cut these other aspects of our energy program, funding for basic breeder research and the Clinch River reactor has been preserved. Currently, this one Clinch River project and the basic breeder research program consume over 35 percent of our energy research and development funds. It is important that our energy program be balanced and we not put all of our "eggs in one basket." Research and development of other nuclear systems, fusion, coal, solar, and conservation must receive adequate attention in our research program.

At the same time, one might be able to make a case for large expenditures on both breeder technology and the CRBR if there were convincing arguments that the CRBR was critically needed to solve our energy problem. But, the fact of the matter is that breeder reactors will not be commercially viable until well into the next century, at the earliest.

Consider these facts. Utilization of breeders for energy will be more expensive than the current use of light-water reactors—no one disputes this fact. Because of rising costs of light-water reactors and falling electricity demand, 69 light-water reactors were cancelled from 1975 to 1982 in this country. There has not been a single new order for a light-water reactor in

this country since 1978. While there are several reasons why nuclear orders have been cancelled, it remains true that the major justification for breeder technology is valid only if uranium to supply light-water reactors is no longer available at a reasonable price.

What we find, however, when we examine the status of uranium supply and price is that the estimates regarding both supply and price for uranium were greatly underestimated when the need for early commercialization of breeder technology was first conceived. In 1974, it was estimated by the Federal Government that there was 1.7 million pounds of proven and probable reserves of uranium, which is about enough to fuel 340 light-water reactors over their lifetime. In 1980, the Department of Energy reported that there is actually about 3.5 million pounds of proven and probable reserves of uranium, or enough to fuel 700 light-water reactors over their lifetimes. The latest estimates from the Department of Energy further reflect that we will probably have about 165 light-water reactors operating by 2000 and 285 by the year 2020. Accordingly, early commercialization of breeder technology cannot be justified on a basis of a shortage of uranium supply.

Now, let us examine the price of uranium. Uranium is the only nonrenewable fuel whose price has declined since 1979, when the last hike in OPEC oil prices occurred. Currently, uranium is selling for about \$18 per pound. A recent Los Alamos study found that the price of uranium would have to reach \$185 per pound before breeder reactors could be competitive with light-water reactors. According to DOE's own figures, such a uranium price will not be reached until well into the next century. Therefore, on the basis of uranium price, early commercialization of breeder technology cannot be justified.

There are other problems with the Clinch River project which should send a signal of caution against further support for this project. A recent analysis by the General Accounting Office has indicated that the final cost for construction and operation of the CRBR may ultimately reach \$11 billion. This estimate should not be taken lightly or easily dismissed by any of us during a time of severe fiscal restraint. While the point is often made that some of our European friends are proceeding with a breeder commercialization program, the fact that these programs are experiencing serious cost overruns is ignored. It might indeed represent a preferable strategy for our Nation to learn from the mistakes of our European friends while continuing to advance the state of basic research on nuclear technology.

I support a strong and aggressive energy program for our country. But, I

believe this program must be a balanced one. We must support energy efforts to insure that we can burn coal more cleanly, to develop synthetic fuels, to advance solar energy, to implement energy conservation, and to improve the efficiency and operation of our light-water reactors in the short and mid term.

As was recently pointed out in a Washington Post article, "Nuclear Power Isn't Scary—These Reactors Are," by S. David Freeman, Director of the Tennessee Valley Authority:

What we should be doing is fundamentally reexamining the nuclear option. Is there an inherently better technical option than the apparently "unforgiving" reactor design we have today?

Freeman goes on to point out that we need more research into modifications of the basic light-water reactor designs such as has recently occurred in Sweden and in other alternate reactor concepts such as the high-temperature, gas-cooled reactor. This Member of Congress is deeply concerned that if we concentrate our resources on CRBR, we will not be able to explore these other nuclear options that may be capable of breathing some life back into a dying nuclear industry.

Over the long term, I believe we must continue to pursue basic research in breeder technology—which would not be cut by this amendment today—development of fusion energy, and research into advanced solar utilizations. The decision regarding which one or ones of these long-term energy sources will be adopted for future use is not ready to be made. Commercialization of breeder technology is premature—and CRBR is the first step to commercialization. I urge you to have the insight to terminate this ill-advised project today before we indeed are too far down the road to turn back.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Chairman, The gentleman from Pennsylvania (Mr. COUGHLIN) and I are offering this amendment today because the Clinch River breeder reactor has become synonymous with waste in the Federal budget. It is, quite simply, the MX of our Nation's energy policy.

The Clinch River breeder reactor has no economic or technical justification. It is a horrendous subsidy to special interests who have so little confidence in the project that they will only assume 3 percent of its cost. That leaves the American taxpayer picking up the tab for 97 percent of the project's \$8.5 billion total cost.

How can we, in good conscience, continue this kind of wasteful expenditure when 11 million Americans are out of work, and we are asking Americans everywhere to make tremendous sacrifices? It is not fair. It is not right.

The Clinch River breeder reactor is waste—pure and simple. It deserves the same fate on the floor of this House that the MX missile received last week.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BOUQUARD).

Mrs. BOUQUARD. Mr. Chairman, I rise in opposition to this amendment.

When all the trappings and all the rhetoric are stripped away from this debate, only one issue remains. It is whether or not the United States of America will continue to have a viable nuclear option for the generation of electricity. You will hear many experts quoted by both sides, but one fact is irrefutable. Without Clinch River, nuclear power is of only very limited use to this Nation. It is facetious to argue that you will have a breeder program without building a breeder.

There are many among the opponents of this project who have argued that while they support nuclear power and even the breeder reactor, they are troubled by the costs of this project. Let me point out that by adopting the Coughlin amendment, you will have precluded any consideration of alternative financing arrangements which could very well resolve legitimate concerns over the Federal investment required for the project.

We face a troubled economy, and that is a concern for all of us. Yet, despite the obvious relationship between economic progress and the availability of energy, we are debating a proposal which would sacrifice the only energy technology currently available which could meet the electrical power requirements of this Nation and this economy for the foreseeable future. And, in the final analysis, when we talk about economic progress, we are really talking about the quality of life and the right to economic opportunity that are the hallmarks of this Nation.

Many issues have been raised during the course of the debates on the rule, general debate, and now during the brief time we are permitted under the rule to discuss this amendment. The issues are far too complex to cover in the brief time I have. But, let me make just one or two observations. The opponents of this project have offered nothing as a replacement for this project. Indeed, I believe they recognize there are no other alternatives that can meet both the feasibility and affordability standards.

Second, they argue that there is no need for an alternative. Let me ask you how history would judge a Congress which in the late 1960's or even the early 1970's, had provided for a technology to replace liquid hydrocarbon fuels, even though, as everyone then knew, there was at least a 40-

years supply of such fuels at the prices charged back then.

I suggest to you that such an action would have been deemed both farsighted and statesmanlike. You have the same choice today. You can provide for the energy to run our economy in an economically efficient, environmentally sound, and militarily secure fashion. You can run the same risks—only for higher stakes—that this country ran with oil imports 15 years ago.

I think that there is only one responsible choice and that is to defeat this amendment and commit America to a future worthy of her past.

Mr. BAILEY of Pennsylvania. Mr. Chairman, will the gentlewoman yield?

Mrs. BOUQUARD. I yield to the gentleman from Pennsylvania.

Mr. BAILEY of Pennsylvania. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I also rise in very strong opposition to the amendment.

I hope that we will recognize here that the Nation has a finite supply of uranium-235. All that breeder technology means to us is the ability to extend that supply through modifying another uranium isotope that enables us to use an otherwise inactive but potential nuclear fuel, uranium-238.

In practical terms it means a transitional technology that will carry us from the fossil fuel or chemical age to the nuclear fusion age. It is vital. Without this amendment our Nation will lack any commercial breeder program. Without it we will be purchasing this technology most assuredly in the future—probably from France. Please defeat this amendment. There is not a better example of a justifiable nor necessary investment in our future.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Rhode Island (Mrs. SCHNEIDER).

Mrs. SCHNEIDER. Mr. Chairman, last Monday Madison Avenue became the newest supporter of the Clinch River project, beginning with this \$23,000 full page ad featured in the Wall Street Journal. Please reflect on the misinformation we have been fed during this advertising campaign.

You have been told that fiscal conservatives support this project, yet it is opposed by the Heritage Foundation, the National Taxpayers Union, the Conservative Caucus, and the Council for a Competitive Economy, to name a few.

You have been told that industry supports this project. If that is so, then why is the taxpayer footing 97 percent of the project? Why does industry not put its money where its mouth is?

You have been told that the project will cost \$3.6 billion. Then why is the GAO reporting a cost of \$8.5 billion?

You have been told that the real energy experts—whatever that means—support Clinch River. If that is so, then why did DOE's own Energy Research Advisory Board recommend postponing construction?

Let us face facts. There is no way this project could survive without the well-heeled army of industry lobbyists that are paid to scare Congress into thinking that our country will go down the drain if we do not build this boondoggle.

The cynics say that Congress cannot withstand the kind of pressure reflected by this advertisement. But, we are looking at a whopping \$180 billion deficit.

We are in a pinch. We must cut Clinch.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. MORRISON).

Mr. MORRISON. Mr. Chairman, we are going to hear a great deal today about the General Accounting Office report. I would like to point out that in its opening statement the General Accounting Office mentioned that the Clinch River breeder reactor is a research and demonstration project and we should not judge its merits solely on cost or revenue estimates.

Let us remember that our goal is energy independence. Our stockpile of 24,000 canisters of depleted uranium represents a valuable resource, fuel that represents an energy equivalent value of \$70 trillion when used in a breeder reactor like Clinch River.

□ 1710

Let me repeat that; with oil at \$30 per barrel, taxpayers own \$70 trillion worth of potential energy if we take advantage of the breeder reactor.

Where are we with Clinch River? The official total cost is \$3.6 billion. We have spent \$1.4 billion. The cost to complete is \$2.2 billion spread over a number of years. The cost to the taxpayers if terminated is \$1.7 billion with nothing to show for it; \$742 million worth of equipment has already been purchased. The site is being prepared and excavation has begun.

Those who say we are technologically buying something that is obsolete have not reviewed the features of the Clinch River project. It has distinct technological advantages over the breeder programs of Japan, France, United Kingdom, West Germany, and the Soviet Union. This is not the time to abandon our best shot at energy independence. Vote against the move to halt the progress of Clinch River.

Mr. COUGHLIN. Mr. Chairman I yield 1 minute to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, our Nation now faces two serious economic problems: A Federal deficit that is approaching \$200 billion a year, and an unemployment rate that is approaching 11 percent.

Some supporters of the Clinch River breeder reactor project claim that it must be continued because of the jobs that will be created.

An examination of the \$8.5 billion Clinch River project indicates that it will add billions of dollars to the Federal deficit, while creating only 8,000 jobs.

Let me repeat: \$8.5 billion to create 8,000 jobs. That is over \$1 million for every job created! The Clinch River project not only fails to effectively create jobs, it diverts our limited capital resources away from investments that could create jobs in a cost-effective manner.

I urge every Member of Congress who is concerned about the growing Federal deficit, and growing unemployment lines, to support the Coughlin-Wolpe amendment to eliminate funding for the Clinch River breeder reactor.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Water Resources Subcommittee of the Committee on Public Works and Transportation, the gentleman from New Jersey (Mr. ROE).

Mr. ROE. I thank the gentleman for yielding.

I sit here in amazement. I guess it really is not Christmastime. Maybe it is Halloween. Because it seems to me anybody that is against anything in this House they use the following words: "We are going to have plutonium that is going to blow up the world; it is a porkbarrel project, it is job creation, it is a kneejerk policy."

Here we ask the American people to spend \$1.5 billion and more. We have all of the experts who have never attended a public hearing on this issue, most of them the same people who have spoken here today who talk about \$1 million a job but they do not talk about the point of a technological advance that this country needs.

We are on our hands and knees economically in this country because we failed to foresee what was going to happen in energy. We have transferred billions of our resources to the Middle East.

That is what has really happened. The cost of production is increasing day in and day out, day in and day out.

Here we are talking about creating new jobs and spending \$5 billion to do it. We are going to knock out 8,000 jobs here. It does not make sense.

Mr. Chairman, we are entering yet another phase of what has been a prolonged debate on the Clinch River breeder reactor project. I believe it is important to examine the viewpoint of our European allies regarding the role of the fast breeder reactor in their energy supply strategies and, more particularly, their view on the importance of the Clinch River project.

The media coverage of European breeder activities has of late tended to emphasize the slowing down of these efforts because of various difficulties. These allegations are overstatements of the true situation. In fact, for the most part, these doomsayers' pseudo-scenarios are pure baloney.

This coverage has overlooked the fact that these governments are funding breeder development at very healthy levels in the midst of a major economic recession.

The French breeder program, certainly the largest and most advanced effort in the free world, is quite healthy. It is supported by an integral part of the French Government's program to expand technology development efforts in that country. There have been technical difficulties, but they have either been resolved or are resolvable. The Government as well as the scientists, engineers, and others directly involved in the Super Phenix work are committed to begin plant operation.

Even the German program, in spite of political difficulties not too dissimilar to our own apparent penchant for self-mutilation, has maintained their financial commitment to Super Phenix. In addition, they are more than 50-percent complete in the construction of their 300-megawatt breeder plant.

To sum up the view of our French and German colleagues vis-a-vis Clinch River, I have a letter recently sent to the Department of Energy from Mr. Rapin of the French Commissariat à l'Energie Atomique (CEA) and Dr. Popp of the German Bundesministerium für Forschung und Technologien (BFT). I request that this letter be included in the RECORD. The two senior officials express their interest in a proposed cooperative venture among our respective countries. Clearly this letter is solid evidence of the international communities' confidence in the U.S. breeder development program—and, in particular, demonstrates their conviction that the Clinch River breeder reactor design is on the forefront of world breeder technology and is certainly worthy of completion:

A L'ENERGIE ATOMIQUE,
FÜR FORSCHUNG UND TECHNOLOGIE,
November 26, 1982.

DEAR DR. BREWER: This is to acknowledge receipt of your letter of 11/22nd and to express our interest in working with you to seek areas of mutual interest in which to expand on breeder reactor collaborative relationship.

The area of plant experience is of obvious interest to all fast breeder reactor development programs, and cooperation becomes more appropriate as the CRBR plant proceeds to the construction phase.

The Clinch River Breeder Reactor represents an outstanding milestone for the future of fast breeders in the world. It incorporates technological feature and innovation of great interest to the French and German side and its partners and we believe

that interesting opportunities for cooperation exist which should be fully exploited. Based on your letter, we proposed the establishment of a plant experience working group under the existing agreements to work out the details of an exchange of the important technical information both sides have to offer.

Successful development of the breeder reactor and its fuel cycle will be advanced by closer international cooperation. This will be important in accelerating progress as well as achieving economies in development. We in France and the Federal Republic of Germany look forward to continued cooperation with the United States in breeder industrialization.

Sincerely,

MICHEL RAPIN,
Directeur de l'Institut de Recherche
Technologique et de Développement
Industriel.

DR. MANFRED POPP,
Ministerial dirigent.

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

Mr. ROE. I am happy to yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman yielding to me. It has been just 10 years since we suffered the oil embargo in the Middle East and people have forgotten that we are still not totally independent on energy.

This is a program for growth and development of our country, and I certainly oppose the amendment.

Mr. ROE. I thank the gentleman.

The costs keep going up on technology in America because every time we turn around somebody else has a new idea. Some coalition gets together. But look at the coalitions. Are they building? Do they speak to creation of wealth of the country? Do they talk about building a reservoir or a dam for a water supply or power? No. It is always opposed, opposed, opposed, opposed.

The most difficult thing in America is to get anything done.

What the American people are saying to the people of this country and to this Congress is "For God's sakes, stop the talking, making up your mind what you are going to do and go on and do something about it."

That is what we ought to do and I ask you and urge you to oppose this amendment.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. CONTE), the distinguished ranking minority member of the Appropriations Committee.

Mr. CONTE. Mr. Chairman, the Clinch River breeder reactor is just like a nuclear version of the supersonic transport (SST), which I was pleased to help kill nearly 10 years ago.

Just because breeder technology can be developed, does not mean that it should be. And it especially does not mean that it should be developed at the expense of the American taxpayers.

In the early 1970's when we stopped massive federally subsidized research on the SST, the private sector lost interest as well. Private industry went on to build the successful B-747 and L-1011, while the French and British Governments got stock with the Concorde, a flying white elephant that is too expensive to fly.

The French are now repeating their mistake by subsidizing their own breeder reactor, in effect creating a nuclear Concorde. They will likely end up with a reactor that can only produce electricity at a price higher than anyone could afford. We do not have to follow their example.

At a cost of over \$8.8 billion, we can ill-afford to develop a technology that is no longer useful in a period of increasing uranium supplies and decreasing demand for electricity.

Instead, at a fraction of the cost, we can continue to develop uranium efficiency improvements for conventional reactors which can produce electricity at reasonable prices and also conserve uranium.

I urge the deletion of funding for Clinch River.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Chairman, I rise in support of the Clinch River breeder reactor project and in opposition to the amendment. This is simply a continuation of the support I have given this project and this concept in the past.

We have heard all the arguments why the Clinch River project should be terminated: too expensive, obsolete, electric power unneeded, unmanageable process, and poor design. These points have been tossed about with little or no regard for facts. Such claims distract from the impressive amount of innovative, dedicated, creative science, and engineering which have been applied to breeder process development during the last two decades.

On the other hand, during the past 20 years the Committee on Science and Technology and its predecessors have received expert testimony on the need for alternate energy producing processes, the need for looking ahead to the Nation's future, and the need for greater reliance on this Nation's mental and physical resources.

It is extremely discouraging that we make calm, ordered, scientific judgments of technology, carefully innumerate and quantifying the hazards and the capabilities of a process. Then we submerge this evaluation in a flood of emotional rhetoric.

We should remember that the breeder process has been evaluated at a small scale and must be demonstrated on a larger scale before the private sector can justify substantial invest-

ment. Until that time of successful demonstration the economic risk is too great to attract industry and utility capital. That is why continued Federal support is needed at this time. We have already provided significant support in process development, major equipment procurement, and site preparation. Failure to complete commitments will be wasteful and will raise questions of our integrity, perception, and vigor.

I am firmly convinced that if we fail to support the Clinch River project, we will be showing complete disregard for our responsibility to prepare this Nation for the future.

Mr. Chairman, I strongly urge my colleagues to join me in the support of the Clinch River breeder reactor project. We have the opportunity to design, construct, and operate breeder technology which has the ability to use our own resources, to utilize our own expertise, to expand our Nation's capabilities, to strengthen our energy alternatives, and to regain control of our energy future.

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

Mr. WINN. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, today we are debating what has become one of the most controversial energy-related matters pending before Congress: Whether or not to continue funding for the Clinch River breeder reactor. I find this controversy somewhat disconcerting. Unemployment has reached 10.8 percent, the national deficit is an unprecedented \$110 billion, and the income gap between the rich and the poor is widening at a brisk pace. In the face of this economic situation, in which the administration continues to call for cuts in low-income energy assistance, I do not believe there should be any need to debate the obvious—we cannot afford this exorbitant and unnecessary program.

Setting aside for the moment the important question of the affordability of this nuclear research project, we must question whether or not this program is necessary for the long-term energy security of the United States. In this period of energy instability, our Nation must continue to prepare realistically and intelligently for the energy needs we will face in the coming century. If it were a fact that the Clinch River breeder reactor (CRBR) were necessary to this security, I would be the first Member to join in supporting this program.

However, the fact remains that the Clinch River breeder reactor is not needed at this point in time. Though some scientists argue that our Nation's energy future will include breeder reactor technology in the distant future, they also agree that we do not need to

develop this costly project within the short term.

The Department of Energy makes periodic projections of nuclear energy demand upon which to base calculations on the need for research projects.

The Department's projections for nuclear energy demand have dropped by 25 percent since 1980, evidencing the drastic change in expectations for nuclear power growth since the CRBR was initially authorized. Since the mid-1970's, 61 domestic nuclear power projects have been canceled; only 6 plants have been ordered since 1974; no new nuclear power plants have been ordered since 1978.

A recent GAO study entitled, "The Liquid Metal Fast Breeder—Options for Deciding Future Pace and Direction," cites Government figures which conclude that breeder reactor technology would not become a factor in our Nation's energy security until well after 2020. It explains that our domestic uranium reserves alone, thus discounting the many sources of uranium available from our closest allies, will be able to provide our nuclear industry with plenty of uranium until at least 2020. With these sufficient reserves, we have no urgent need for breeder technology, so attractive in its ability to make more fuel than it consumes.

In addition, the GAO report goes on to explain that breeder reactors will not be able to provide competitive electricity until some point between 2025 and 2035. The Clinch River breeder reactor program as authorized would develop an operating demonstration plant by 1990, some 40 years before it could be used economically.

Finally, the Department of Energy's Energy Research Advisory Board has determined that the construction of the Clinch River breeder reactor is not an urgent priority and recommended that such a demonstration project be delayed until some future date.

Present economic difficulties press upon us the need for fiscal responsibility. The Department of Energy's budget already displays a short-sighted imbalance toward the nuclear power industry. The administration proposed cutting low-income energy assistance programs by some 30 percent this year, and has expressed its intentions to do so again for fiscal year 1984. When the administration considers it important to cripple a vital energy program for economic reasons, it makes absolutely no sense to continue funding an unnecessary, and extremely expensive program which overshadows the relative expense of energy assistance.

Mr. Chairman, I hope my colleagues will join me in supporting the Coughlin amendment to delete funding for the Clinch River breeder reactor and help our Nation return to an intelligent energy policy.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Pennsylvania (Mr. COUGHLIN) and the gentleman from Michigan (Mr. WOLFE) to delete funds for the Clinch River Breeder Reactor.

I have heard all of the hearings. I sit on the Science and Technology Committee. I am chairman of the relevant energy subcommittee of the Energy and Commerce Committee.

The evidence is overwhelming that this project is not needed. We are overloaded with uranium up to our ears. In fact, the uranium industry sought restrictions on imports of uranium in the NRC bill because we have too much uranium. This means that we can be sure of continuing with fission reactors, and without breeders, well into the next century. In addition, new technology exists which permits fission reactors to use uranium 30 percent more efficiently.

Clinch River has nothing to do with energy independence for the United States contrary to what the opponents of the amendment have claimed. The energy crisis we had was an imported oil shortage, and only 7 percent of our oil goes to produce electricity. Nuclear reactors just produce electricity and will therefore have an insignificant effect on our energy security.

This project just produces electricity and it is desired only by the utility industry as a Federal Government bailout. It ought to be soundly rejected. There is no need for it.

The worst thing of all is that Clinch River gets us into a serious problem of proliferation. One core load of the Clinch River breeder reactor contains enough plutonium to make 200 nuclear weapons. Once we get into sending plutonium around the world, there will be no security for anyone.

Another compelling argument against CRBR has now emerged.

On December 10, the General Accounting Office provided Congress with its most recent and most convincing estimates of the truly staggering costs which the taxpayers of this Nation will have to bear if Clinch River is not terminated. According to the GAO, more than \$8.5 billion will be needed just to build CRBR and another \$2.6 billion will be required to operate it for 25 years.

These cost estimates conflict sharply with DOE claims that the Clinch River breeder will cost a mere \$3.6 billion to build and will earn \$8.2 billion over its 30-year life through the sale of the power it produces.

The GAO report clearly shows the project would lose over \$2 billion if it is allowed to operate.

In light of budget deficits of upward to \$200 billion in the coming budget year, how can we in the Congress in good conscience continue to appropriate funds for this unneeded pork barrel project which will cost taxpayers billions of dollars now and more in the future?

The project's supporters are now arguing that because more than \$1 billion has already been spent on Clinch River, the project should proceed. But incredible as it sounds, \$1 billion amounts to only 10 percent of the more than \$10 billion additional which Clinch River will cost the taxpayers of this country if the project is built and operated as DOE plans.

The choice is simple; we must act today. By terminating the Clinch River breeder reactor now, we can save an additional \$10 billion cost in the future. I urge you to support the Coughlin/Wolpe amendment and terminate Clinch River once and for all.

Mr. BEVILL. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Armed Services Committee, the gentleman from Illinois (Mr. PRICE).

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Mr. PRICE. Mr. Chairman, I rise in opposition to the amendment. Again we are required to consider the issue of support for the Clinch River breeder reactor. We provided the first authorization leading toward this project in 1969. It is truly a sad testimonial that this project has not been completed and is not now developing the sound base we must have to solve our critical energy supply problem.

I have many times on this floor presented the facts concerning our inevitable need for the breeder reactor system. None of the fundamental facts have changed. Our only solution still lies with coal use to the maximum degree practicable and the phasing in of nuclear sources as soon as we can build up the technology and hardware base. I never thought two such adverse developments would be encountered in efforts to dispose of our foreign dependency on energy fuels. These are the resistance in some quarters to the greater use of coal and the vacillation in developing and shifting our dependence to nuclear fuels. We can help get these efforts on track by providing the support the Clinch River breeder reactor needs today.

I would like to invite my colleagues attention to a statement made by labor, industry, and other organizations concerned and responsible for the solution of our energy problem which was printed today in the Washington Post. I am including the statement at the conclusion of my remarks since it succinctly states the facts supporting the need for the Clinch River project.

[Advertisement From the Washington Post, Dec. 14, 1982]

WE DON'T USUALLY AGREE . . . BUT ON CLINCH RIVER WE DO.

18 labor unions . . . the NAACP . . . the U.S. Chamber of Commerce . . . the General Federation of Women's Clubs . . . the National Conference of Black Mayors . . . the National Association of Manufacturers . . . along with more than a dozen other business, labor, minority, scientific and professional organizations, we have formed the "Committee on Jobs, Environment and Technology." We have done so because we all agree on one vital issue:

The Clinch River Breeder Reactor must be included in any responsible planning to supply future generations with the affordable energy they will need.

In real terms, America is still dependent on foreign sources of energy. A sudden increase in the price of oil or a cutback in OPEC production could again wreak havoc with our economy. Therefore, we have a responsibility to pursue policies that will help free America from the grip of foreign energy sources and enable us to regain control over our own energy and economic destiny.

Without available and affordable energy supplies, there can be no sustained economic growth, no abundant employment opportunities, no world leadership status.

While CJET will ultimately concern itself with a range of issues, our first priority is completion of the Clinch River Breeder Reactor Project. The result of a 20 year alliance between the federal government and private industry, this project represents the spirit of innovative research and development that has characterized U.S. history at its best.

Consider these facts:

Even using conservative growth estimates of 1 percent or 2 percent per year, America will still have to double its electrical energy capacity by early in the next century.

Breeder reactors produce more fuel than they consume and represent an energy potential that exceeds all U.S. coal reserves or three times OPEC oil reserves. They will use already mined uranium valued at \$17 trillion, which has no other use to mankind.

Completion of Clinch River will cost the government \$2 billion over the \$1.3 billion already invested. Thus the total cost, including the unprecedented utility investment of \$340 million, will be \$3.6 billion . . . a figure confirmed by the General Accounting Office.

Some opponents claim that the final cost will be \$8 billion without explaining that that figure includes "imputed interest" . . . something never included in any previous government R & D project cost estimates.

Termination will cost the government at least \$300 million, plus the \$1.3 billion already spent. Completing the plant will enable the government to recoup its investment through the sale of the plant's electricity.

75 percent of the equipment is either now on site or on order at a fixed price. The design of the plant is almost 90 percent complete and site preparation has begun.

Japan, Germany, Great Britain, France and the Soviet Union are pushing ahead with breeder programs because they know that those who lead the world in energy development will lead the world economically and politically.

Clinch River is not just another governmental project. It is a vital and prudent technological demonstration project that will

help assure future generations of adequate energy supplies, a secure economy and jobs.

America has always been a world leader in developing advanced technologies to benefit current and future generations.

Now is no time to turn back. The future depends on us.

Building & Construction Trades Department, AFL-CIO;

National Association for the Advancement of Colored People;

American Association of Engineering Societies;

American Nuclear Energy Council;

American Nuclear Society;

American Public Power Association;

Americans for Energy Independence;

Atomic Industrial Forum, Inc.;

Edison Electric Institute;

General Federation of Women's Clubs;

International Association of Bridge, Structural and Ornamental Iron Workers;

International Association of Heat & Frost Insulators and Asbestos Workers;

International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers;

International Brotherhood of Electrical Workers;

International Brotherhood of Painters & Allied Trades;

International Union of Bricklayers & Allied Craftsmen;

International Union of Elevator Constructors;

International Union of Operating Engineers;

Laborers' International Union of North America;

National Association of Manufacturers;

National Conference of Black Mayors;

National Rural Electric Cooperative Association;

National Society of Professional Engineers;

New England Council;

Operative Plasterers' & Cement Masons' International Association of the United States & Canada;

Scientists & Engineers for Secure Energy;

Sheet Metal Workers' International Association;

Tile, Marble, Terrazzo, Finishers & Shopmen International Union;

U.S. Chamber of Commerce;

United Association of Journeymen & Apprentices of the Plumbing & Pipefitting Industry of the United States & Canada;

United Brotherhood of Carpenters & Joiners of America;

United Union of Roofers, Waterproofers & Allied Workers;

Utility Workers Union of America;

Youth for Energy Independence.

(Sponsored by the Committee on Jobs, Environment and Technology; Robert George, Chairman; President, Building and Construction Trades Department, AFL-CIO.)

Mr. BEVILL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Mississippi (Mr. WHITTEN), chairman of the Committee on Appropriations.

Mr. WHITTEN. Mr. Chairman, if I could have the attention of the Members, I wish they would think about this one point: This provision is for the duration of this continuing resolution, March 15. The minute March 15 arrives we are going to have to deal with it again. So if you start tying it

down between now and March 15 and the new Congress should say, "Don't cut it," I think it is very unwise to do it at this point. Whatever you wish to do, do it in the regular order, because this would be for only the period to the end of this resolution. So I hope you will defer action on this because it could prove very, very costly acting now.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I hope this is the end of the road, Mr. Chairman, because I have stood and supported for the last 8 years the similar amendments offered by my colleague, the gentleman from Pennsylvania. What we have said in the past is even more justified today.

As the ranking minority member on the Subcommittee on Energy Development and Applications of the Science and Technology Committee, which brings you the nonnuclear energy alternatives, let me say that the issue before us today is whether we can recognize the wisdom of what is needed and what is not needed. And Clinch River is clearly not needed. Our full committee turned this matter down a year ago, and we just have not been allowed to vote on it this year prior to the Appropriations Committee's consideration. That is why this Congress did not kill this project earlier this year.

The only new factor in this debate is that the cost estimates today have risen to between \$8 billion and \$12 billion for a project that has not yet been stopped. There is not a single bit of construction started; only a little bit of land has now been cleared, and that just in recent weeks.

The proliferation risks, enormous costs, environmental concerns, and safety problems with this project have been discussed on this floor many times over the years. Much time has been spent on discussing the menace of huge stockpiles of plutonium created by the development of a breeder reactor, and the dangers are well known. In 1977, the NRC halted the licensing process for Clinch River with over 100 unresolved safety issues which still remain. Before we build a breeder, substantially more research is needed to comprehend, evaluate, and control the safety risks that will accompany the use of this technology.

In 1973, we were promised a breeder demonstration program after 6 years, or in 1979. Let us now look at what has happened. In 1982, after spending over \$1 billion, we are now promised a demonstration project in 1990—8 more years along the road. Clearly, we are losing ground here. If the NRC licensing process requires an alternative site, the project could be set back another 4 years to 1994, at significantly higher costs.

Overall, this would be an 11- to 15-year delay. Instead, in the more than 10 years since Clinch River was first authorized, we have gone forward with a strong base breeder program. This base program will not be jeopardized by cancellation of Clinch River.

In light of this inglorious history, the project bears a high burden of proof if it is to again receive more funding for the future. After much deliberation, the Science Committee believes and has recommended that this project be terminated. I strongly agree.

Mr. Chairman, one of the key reasons for the Clinch River project in the past has been our need to satisfy projected large increases in electric power demand during the next three decades. Under this scenario, breeders would be essential to help us meet our growing electrical power needs. Yet, we have all recently heard from many experts that these projected increases will probably not occur. From 7.8 percent in early 1970, the current rate is 2 to 3 percent.

The Science Committee has held several hearings on the future of energy utilities. During these hearings, we heard from many witnesses that we should now expect significantly lower electricity growth rates in the future. Utility and Commission forecasts indicate that electric demand in the 1980's will probably grow at only half the rate of the 1970's.

Another claimed need for Clinch River has been that the breeder will soon be needed because of our diminishing supply of uranium. Clinch River was originally authorized in order to anticipate this shortage and to extend our uranium supplies farther into the future.

However, by all accounts, we have now dramatically underestimated our supplies of uranium. Utilities have encountered numerous licensing difficulties for new nuclear plants, causing the cancellation of many of these plants, and corresponding less use of uranium. Preliminary reports from the NURE program have also indicated that we have more uranium than we originally thought. Thus, the original breeder demonstration schedule no longer makes technical sense. As a result, I believe that we should now re-examine the Clinch River program before we further invest in it.

In a time of severe fiscal constraints, we should ask ourselves whether we need the breeder now. We need to seriously consider whether it is more important to devote our limited taxpayers' money to this project or to some other worthy program that is deserving of our immediate attention. I admit that the breeder is one of the so-called inexhaustible forms of energy, along with our fusion and solar energy resources, that may well be needed in the next century. But

right now, we need to examine whether the breeder will be helpful in the short term.

The answer to this critical question is "No." Our immediate interest is to reduce our dependence on petroleum. The breeder cannot satisfy these immediate needs. At the present time, only a limited amount—close to 9 percent—of our annual oil consumption is used to generate electricity. Moreover, much of that oil is specifically used to fire small backup generators to meet peak load requirements. The size and scale of breeder reactors will always make them uneconomical for such intermittent applications. Thus, the Clinch River project will have virtually no impact on our present oil import problem.

It will be well into the 21st century before the breeder reactor even begins to look commercially attractive. By that time, oil-fired central power stations will long since have been replaced by coal and conventional nuclear powerplants. We hope to have other forms of inexhaustible energy supplies, such as fusion and solar, on line by then. A viable synfuels industry will also have been developed.

Many technical issues have again been recently raised about the Clinch River project. A recent General Accounting Office report strongly criticized the Department of Energy's plan to install steam generators before even testing a prototype. This report went out to say that this plan was financially risky and recommended that it be dropped. With such a significant expenditure of funds at stake, it would seem to me that the Department would at least proceed as technically prudently as possible.

As my colleagues may be aware, the prestigious Energy Research Advisory Board (ERAB) has also recently had a chance to review this project. In determining our Nation's overall energy priorities, this distinguished scientific panel has indicated that the Clinch River project was not a high-priority item. After careful consideration, the ERAB panel concluded that the construction of a breeder reactor demonstration project was not "an urgent priority" at this time, and recommended that "such a demonstration be delayed until a future time" in light of current budget constraints.

I urge my fellow colleagues to recognize the economic realities of our present situation. There is no doubt that we will have to devote a great deal more money to Clinch River in future years if we go ahead with this project. Funding problems in these years will certainly be even more serious, as the administration tries to balance our budget in 1983 and 1984 with more difficult cuts.

The estimated costs of the Clinch River project have increased more

than sevenfold, from an original estimate in 1969 of over \$400 million to today's estimate of over \$3 billion. Unfortunately, there is no guarantee that these exorbitant costs will not continue to escalate. In fact, I understand that the General Accounting Office has recently estimated the total cost for Clinch River at \$8.9 billion, possibly going as high as \$11 billion.

Furthermore, it is unreasonable for the Federal Government to be responsible for all of these increasing costs. Our taxpayers' liability in this project has grown from about \$100 million to now over \$3 billion—more than 30 times the original estimate. According to recent estimates, the utility and industry share of today's costs for Clinch River had dwindled from 50 percent to about 9 percent of total costs. This is certainly not a wise course to follow.

Mr. Chairman, many of my colleagues are concerned that we will severely restrict our Nation's ability to develop the breeder option if we do not build Clinch River. This is surely not the case. Even without Clinch River, we will still have an aggressive breeder program. The base breeder program that the administration has proposed, and which has been authorized by the Science Committee, will provide for a strong breeder program that will, in fact, enhance the program by calling for a more rational design.

In a recent report to the members of the Energy and Commerce Committee, the staff also recommended that we evaluate alternative nuclear reactor programs before we continue to support Clinch River. They recommended that technical audits be performed on major alternative programs, even including safety and reliability improvements in the use of our conventional nuclear light-water reactors, as well as more efficient use of our uranium resources.

This is the way to go. We have the time. Given our serious funding problems, I believe that there are certainly much better ways to spend the money authorized for Clinch River than on the controversial type of breeder design that it would now demonstrate. In my opinion, it certainly would be better to go forward with research and development activities, including the development of all of the breeder technologies, at this time.

Mr. Chairman, it is time for us to put aside projects that have only symbolic meaning. We cannot afford to devote our limited taxpayers' money to the demonstrations of technologies that have limited merit if any.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, I rise in support of the Coughlin-Wolpe amendment.

When I first came on the Science and Technology Committee in 1975, one of our first witnesses that year was Admiral Rickover. And I was quite shocked when he appeared before our committee and in testimony on Clinch River said that it was outdated technology and that it ought not to be built. At that time I began to investigate. I thought this person supported everything in nuclear energy. And then I found out that what he was saying was absolutely correct.

That is why the Science and Technology Committee which has heard all of this evidence, as the gentleman from New York (Mr. FISH) said, this session of Congress turned it down because we know that this is indeed a turkey.

One of the earlier speakers said that those of us who are opposed to Clinch River are always saying "no" to everything, "no" to jobs, "no" to progress, "no" to everything. Absolutely false.

I for one say "yes" to hydropower, "yes" to windpower, "yes" to solar power, "yes" to synthetics, "yes" to alcohol and biomass, "yes" to photovoltaics, "yes" to conservation. Take the \$8.5 billion from this white elephant and put it in those, and we will be able to tell OPEC what to do with its oil.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, we have all heard the arguments for and against the Clinch River breeder reactor. This project has been debated ad nauseum for years and I hope that a majority of the Members share my view that we should resolve this issue once and for all and put this project out to pasture at last.

The project proponent's justifications are well known to everyone. But for those who have missed the reams of "Dear Colleagues" that have floated across our desks we had only to open the Washington Post or the New York Times to view the full page ads loudly proclaiming the urgent need for the Clinch River project. By those in the private sector who ought to be the ones paying for it, but who will not.

I have reviewed it all and I am a strong supporter of safe nuclear power and continue to reach the same conclusion: The Clinch River breeder is an example of a wasteful project at its worst. It is expensive, inordinately so at \$8.5 billion at a time when the Federal Government is faced with a deficit approaching \$200 billion.

There is also the question of uranium supply. At one time, it was expected that nuclear power would be the major source of electrical generating capacity in this country and, as a consequence, uranium to run the plants would be in limited supply. But, Mr. Chairman, there will be no practical application of this technology in the next 50 or 100 years, because the elec-

trical demand is not there and uranium is readily available and projected to be for a long time to come. The Clinch River breeder should be eliminated. I urge a "yes" vote on the Coughlin amendment.

Mr. COUGHLIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I rise in opposition to the amendment to delete funding for the Clinch River breeder reactor.

There are a number of points overlooked by those who would simply eliminate Government participation in this demonstration project. First, the utilities have not backed down from their \$300 million commitment to the project. Second, with much of the project's design complete and its components on order, costs will not rise to the extent that critics charge. Third—and most importantly—we would be more seriously wasting the Government's money if we canceled participation in the project now; \$1.3 billion has already been spent; cancellation could cost anywhere from \$300 to \$500 million. Furthermore, if we remain committed to Clinch River we will finish a project that is designed to become part of the Tennessee Valley Authority and ultimately pay for itself. How many Government projects can make that claim these days?

It would be a mistake to cancel when, according to the Department of Energy, 96 percent of the research and development for the Clinch River is completed, 86 percent of the project design is done, and 60 percent of the major components are completed or on order. More than 3,500 people are employed throughout the United States on the project. Furthermore, the United States faces an uncertain energy future and it would, in my judgment, be extremely shortsighted to cut ourselves off from this energy option. It may or may not be possible to rely upon other forms of alternative energy, but who can be certain? I would suggest that the energy crises of the past decade are a somber reminder that the U.S. Government, in partnership with the private sector, must encourage—not discourage—development of all feasible alternative energy sources.

Therefore, I urge a "no" vote on this amendment. The role of Government is not to develop, market and sell new alternative energy sources. It does, however, have a major responsibility as a catalyst toward the initial development and demonstration of worthwhile projects. This investment could pay major dividends to the American people before the end of the decade.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. PHILIP M. CRANE).

Mr. PHILIP M. CRANE. I thank the gentleman for yielding.

Mr. Chairman, I think this project may have had some good arguments behind it at the time of its inception when we were talking about a \$700 million total cost. The cost overrun since that time, coupled with the delays that have attended increasing Government and bureaucratic bumbling in the process, have pyramided those estimated costs to completion to about \$8.5 billion, according to GAO.

If we were to shut the project down right now, with close-down costs estimated by the Science and Technology Committee, it is a \$1.5 billion expenditure.

I submit to the Members that if the private sector were to look at some kind of a project of this nature, they would have long since made the decision they are not going to throw good money after bad.

Further, when we are talking about energy for our Nation, we do not have to be nay sayers. I would hope that my good colleague, the gentleman from Iowa, would join with me, with the support of many others in this body, to deregulate natural gas. ERDA estimated back in 1975 that we have an estimated potential supply of 2,000 years, and that is a better substitute and we will not have to depend upon the taxpayer to fund it.

Mr. COUGHLIN. Mr. Chairman, I reserve the balance of my time to conclude debate.

Mr. BEVILL. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, I support the timely completion of the Clinch River breeder reactor (CRBR) plant. I ask your assistance in speeding the project to completion. As the debate of timing for the completion of a demonstration breeder continues, it is important to look at a number of essential facts in light of our past experience in nuclear energy. Opponents of the project say that we are building the demonstration plant too soon.

First, we must remember that the issue of timing depends in part on the availability of abundant uranium to meet our long-term needs. It took 20 years to commercially deploy light water reactors from the operation date of the first demonstration plant, the Shippingport reactor in Pennsylvania. Using the same pattern of plant size escalation and with the understanding that it now takes about 10 to 14 years to build a replicated commercial light waterplant, we can get a clear picture of the time needed to deploy commercial breeders. If we worked full speed ahead now to complete the Clinch River plant, it would be operational by 1989 or 1990. After 5 years of operation, we would commit the prototype and optimistically construct it in 12

years. After another 5 years of operation we could commit a commercial plant and bring it online in 10 years by the year 2020.

This scenario optimistically assumes all the plants work so well that utilities are so attracted to the idea of building breeders that they order plants before a single commercial breeder operates. Given such prior commitments, we could then start deploying commercial plants in quantity by the year 2025.

We must also remember that not building the breeder expeditiously means that we must continue to mine and utilize the fissionable uranium-235 that is available for use only in current light water reactors. Following this path means we run the very real risk of allowing our resources to dwindle until it is too late. With fuel for the breeder—uranium-238—already mined and milled, we need only use it to extend energy resources for hundreds of years. And we must secure the technology now to insure that we have the capability to do so. What we need is certainty in supply of energy sources. The breeder will provide this certainty and allow us time to explore numerous other promising alternatives.

I urge my colleagues to support the timely completion of the Clinch River breeder reactor project and defeat this amendment.

Mr. BEVILL. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. Mr. Chairman, the Clinch River breeder reactor encompasses exactly the choice this Congress and the next one will have to face dozens of times if this Nation is to get from here to there, from a beleaguered and declining present to a secure and rising future.

Clinch River is an asset, a capital investment, a key. It is not the total of what we must do, but it is an important element. It is a place where knowledge will be put to practical use and more knowledge will be accumulated, where ideas will be tested and more suggested.

And this testing and creation of ideas is the key to high technology development, the kind of thing even those opposed to Clinch River are counting on to keep this Nation going.

But if we throw away Clinch River, we throw away an important key.

As for energy, the opponents say there never will be a shortage of nuclear fuel.

This reminds me of things I heard 15 years ago when everybody was dead certain the era of cheap energy would go on forever.

Opponents greatly stretch the facts and claim to find what they call a true cost of \$8.4 billion, and they claim the price is too high. To get this figure

they use accounting tricks never before used on a project of this kind.

But how does even this exaggerated sum compare with the hundreds of billions we sent overseas as a result of the energy shortage created by the OPEC gang?

What if we had spent \$8 billion 15 years ago—in the era of cheap energy? Invested in things like this and in synfuels, in all the other things we are exploring now with some desperation.

If Clinch River is killed after going this far, I hope I am alive 15 or 20 or 30 years from now when America is at a greater disadvantage for energy.

Why, I expect I would hear even some of the staunchest contemporary opponents calling for a hang-the-expense crash project to make up the disadvantage.

The technology is developing. The world will use it. And the major industrial nations of the world are going ahead with it.

It is far better for the United States to learn to handle breeder reactors now than to try to learn under emergency conditions.

It is far better to learn to do it now in the right way, when there is time, rather than to do it badly with far greater potential for harm when the emergency comes.

Everyone knows that economic growth cannot be sustained without available and affordable energy. Everyone knows that what you do not have, you have to buy when the need comes.

If we fall behind here, we will buy it from the Japanese or the Germans or the French. And as its use develops in the world, everybody else will be buying it—buying it from the Japanese and the Germans and the French.

And we extend—in one area—a declining present into a declining future.

The choice I mentioned is timeless. It was no less stark for those who explored the new world than it is for us today.

Do we draw back in fear and wither? Or do we move forward into the future and find the winning edge that is the result of solid preparation and investment?

We should move forward now; and move forward with this project while there still is time to do it right.

Mr. BEVILL. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. WRIGHT), the distinguished majority leader.

The CHAIRMAN pro tempore (Mr. BAILEY of Pennsylvania). The gentleman from Texas (Mr. WRIGHT), the majority leader, is recognized for 4½ minutes.

Mr. WRIGHT. Mr. Chairman, I earnestly hope that we will do as we have done on 15 or more occasions in the past, and that is to reject these

amendments which would turn back the clock and would scrape all of the work that has gone into this nuclear breeder reactor technology.

We may say all we want about the opposition of certain individuals who have had other technologies that they were advocating; the fact remains that this is the only nuclear breeder reactor project that we have on the books.

Now, our Nation already has invested \$1.3 billion in bringing it to its present state. Are we going to drop that? Are we willing to turn the calendar backward and pretend that we no longer have an energy problem? To do so would be to close our eyes to the facts and to turn our backs upon the future.

This Nation faces the incontrovertible need to develop before the beginning of the next century at least twice the capacity in electrical energy that we have today. Is there another way to do it? I know of none. The nuclear breeder reactor is the only thing we have which will generate, that is to say, will produce, more energy than it consumes.

Yes, some of us can talk grandly about some day doing something specific by substituting solar technology. But let us just face the reality of what has been happening in the last 2 years.

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Three years ago we were investing \$150 million in photovoltaic solar technology, technological research to make us first among the nations of the world in this new emerging industry, \$150 million. You know what we are investing this year under the Reagan budget? Fifty million dollars, only one-third what we were investing in that research.

Are we aware that the Japanese are investing almost as much as we are in photovoltaic and solar energy research; they, with half our population? Is that to be our future? Are we to avert our eyes from what this portends for the future?

Are we to say no, there is not any way that we are going to make that dream of peaceful use of nuclear power come true? I do not think we want to do that.

We have one project going. That is the Clinch River breeder reactor. We have invested \$1,300 million in it. This is not the time to close the books upon it. It is so far as we are able to determine a successful project. And it is the only successful project that we have in breeder reactors. So let us have the courage to go forward.

It will cost an estimated \$2 billion more to complete. But think of its worth. The energy-producing potential of nuclear breeders is greater than all the coal reserves in this country, and they are great. We have one-third of the coal known to be extant throughout the entire world. It has a greater

potential than all the oil reserves that are known to exist in the Middle East. And yet we are willing to turn our backs upon it before we have completed our first project? I think not.

Let us in the words of one whose total philosophy I have not embraced, stay the course at least on this project to which we have committed ourselves. Let us vote down this amendment and say to the world, to the future, to our own country, that we are going to see to it that there is sufficient electrical energy output and capacity in this Nation to sustain a growing economy. Because if we do not, there will not be enough power available to us and we shall have to look forward to a declining, shrinking and stagnant economy without the capacity for growth that produces the opportunities and the jobs that our population will deserve and demand and rightly should expect of us. Solomon said where there is no vision the people perish. May that not be the epitaph of our civilization.

Mr. COUGHLIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. McEWEN).

Mr. McEWEN. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. COUGHLIN. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, this would terminate the funding for the Clinch breeder reactor except for the approximately \$44 million estimated by the Committee on Science and Technology as the funding necessary to pay termination costs, not \$1 billion as others claim.

As we in Congress face the prospect of deficits upward of \$100 billion, there are those who say we can no longer cut discretionary funding. But the truth is that we have cut everything but the pork.

Here is a piece of pork, the Clinch River breeder reactor, where the Department of Energy's own blue ribbon advisory committee on research says it should be deferred, postponed, and it is of very low priority.

Here is a piece of pork, the Clinch River breeder reactor, which our own auditors, the Congress auditors, the General Accounting Office, says will no longer cost the original estimated \$699 million, but will cost \$8.5 billion to construct and operate for 5 years.

Here is a project that those auditors, our auditors, say will not earn money even in the remaining 25-year life but will cost the taxpayers an additional \$2.6 billion.

Here is a program in which the private investment has declined from initially 60 percent, with a 50-percent commitment, down to 7 percent or 2 percent depending how you figure it. This is welfare and jobs not for people but welfare for public utilities and nuclear engineers. That is what this is.

Here is a demonstration project for technology which even its supporters admit will not be viable until well into the next century. And here is a research and development project presenting potentially obsolete technology when, even without the Clinch River breeder reactor, we will be spending almost half a billion dollars a year on breeder research itself.

Finally, here is a program that is opposed by the authorizing committee of this House—most important. And opposed by such disinterested publications and such diverse publications as the New York Times, the Wall Street Journal, and Human Events; opposed by organizations with no financial interest in the project, from the National Taxpayers Union to the Sierra Club; opposed by such diverse organizations as the United Steel Workers and the American Enterprise Institute.

Have we no conscience? Can we not get rid of at least a little piece of the work? Vote "yes" on the amendment.

● Mr. COURTER. Mr. Chairman, after many hours of personal reflection, I feel compelled to support the amendment to delete continued construction for the Clinch River breeder reactor and instead use available funds to terminate it. In the past I have always given the issue of funding Clinch River my closest consideration, taking into account its effects on our nuclear energy research and development base. My decisions in the past were based on the difficult issues, but on different circumstances and assumptions. I have carefully reviewed all the previous arguments for and against the funding, but have based my difficult decision to oppose continued funding at this time on the following factors:

First, there is reluctance on behalf of public utilities to move ahead with constructing previously planned nuclear powerplants. The commercial nuclear industry has experienced several setbacks unanticipated from earlier years. Utility rates nationwide have gone up markedly, leading to slower rates of growth and demand and, therefore, any projections for commercial application of Clinch River breeder technology must be altered to accommodate the changed circumstances in today's public utility market. Utilities in the near term will continue to reevaluate the future scope of their nuclear generator plans, while considering totally different technologies which may become economically competitive and more desirable.

Second, just 1 year ago the Department of Energy stated that costs for the Clinch River breeder reactor amounted to \$1.1 billion for components and that it would take an additional \$2.8 billion to complete the

project. In adjusted 1982 dollars, the total project would cost about \$3.5 billion, said DOE. However, the Department of Energy may have ignored or greatly underestimated several key expenditures.

While the Department of Energy states that the entire project could be completed within 7 years, its original contingency fund for possible cost overruns is only \$200 million. Assuming a 12-percent interest rate, a delay of just 1 year in construction could run the total cost up by \$400 million in just that year.

In addition, the Department of Energy did not include the costs of reprocessing Clinch River's own fuel, which could amount to \$300 million. As a result of this and other not previously assumed costs, the Clinch River program may now cost substantially more than thought. If any of the cost factors increase or if unforeseen costs arise, this project will be beyond the realm of responsible fiscal control. It has been suggested that we can learn the technology of the breeder reactor by purchasing or otherwise sharing French patent rights and knowledge. The French, I understand, have a lead in this technology and we can possibly save enormous amounts of money by placing a small American staff at the French site. The French admit that their breeder reactor costs them 2½ times more to operate than light water reactors.

In conclusion, I oppose the building of the Clinch River breeder reactor because I can see no near term or mid-term market for this technology. The General Accounting Office and the Congressional Research Service see a market for this technology in approximately 40 years, which may be reasonable to support research and development but not a justification for a multibillion-dollar demonstration project. New uranium finds, unanticipated costs and electrical demand have all been different in the last 4 years than anticipated; circumstances have changed—and so must my vote. ●

● Mr. YOUNG of Missouri. Mr. Chairman, opponents of Clinch River imply that they have a new case against the Clinch River breeder reactor project. Their case is not new. It contains the same old red herrings breeder opponents have used, unsuccessfully, for years—that the project is too expensive, that breeder development can be delayed with no penalty, that uranium is cheap and plentiful and likely to stay that way, and that nuclear power requirements have dwindled to insignificance.

The solution, they say, is to cancel the Clinch River project.

This view is worse than shortsighted. It is clearly dangerous to our energy future. As a proven means of extending a valuable resource of limited availability, the breeder must be de-

veloped. It is time to meet the challenges head on; to make the decision to complete this vital link to a secure energy future for America and to lower once and for all the antigrowth barriers which jeopardize the future economic well-being of the Nation.

The facts on Clinch River are as follows:

We have already made a substantial investment in the Clinch River project and the supporting technology development necessary to assure its success. This investment—an insurance policy if you will—has amounted to some \$6 billion, of which \$1.4 billion is the direct investment in Clinch River. All major equipment procurements are essentially completed and the design is more than 90 percent complete. Site preparation also has been approved and is well underway. We would be foolish and indeed the international community would regard us as fools—to allow unfounded allegations and visceral fears to stop us now.

The costs remaining to complete the CRBR construction amounts to some \$2.2 billion distributed over a period of about 7 years. Clearly, this level of funding—that is, the insurance premiums on our energy future—is well in line with comparable R&D expenditures this country has made in similar programs of major national importance.

The fact that present U.S. uranium resources appear to be adequate to fuel light water reactors for the next 30 years or so, is a moot point as far as the breeder timetable is concerned. On the present schedule, assuming the expeditious completion of CRBR, commercialization of breeders could not occur for at least 30 years. Those who argue that we can delay the breeder until we need it are devoid of any perception of the technical issues at stake or the associated leadtimes required for technology development and to assemble the related infrastructure. We cannot simply throw a switch and turn on the needed expertise and experience required to implement the technology nor can we wish the hardware into being so that we can one day operate the breeder plants economically.

Clearly, the time for the Clinch River breeder reactor is now. We should prove to ourselves as well as the rest of the world that we stand by our obligation to control our energy future; that we do not vacillate in our conviction that nuclear electric power, through our breeder reactor development program, is an essential part of that future; and that we will not forfeit the investment already made to insure that future.

We urge you to support completion of the CRBR. It is the right plant at the right time. ●

● Mr. TAUKE. Mr. Chairman, today, the House will have just the opportunity to reduce or eliminate several ex-

cessive, opulent indulgencies of the Federal Government when we consider House Joint Resolution 631, the continuing resolution. Considering our current economic problems, it is important, perhaps now more than ever, to spend our citizen's tax dollars more prudently, and House Joint Resolution 631 presents us with this opportunity. Within this measure, there are several projects of dubious fiscal rationality, and I would like to take just a few minutes to outline my concerns about one of these projects—the Clinch River breeder reactor—and to urge your support for the Coughlin amendment which deletes funding for this project.

The Clinch River breeder reactor was conceived in 1970, under a set of economic projections which are not valid today. Twelve years ago, it was assumed that breeder reactors would be economically competitive by the year 2000. Today, that is not the case. Instead, a dramatic shift in our energy requirements has meant that the Clinch River project will not be cost effective until the 21st century. This shift in our country's energy projection is due primarily to: First, the increased supply of uranium; and second, the decreased demand for electricity. These two changes force us to reevaluate the continuation of the Clinch River breeder reactor. Even the Department of Energy's own energy research advisory board has recommended that we defer construction of the Clinch River plant until the prospects for commercialization improve while maintaining an investment in basic breeder research.

The primary attraction of the breeder reactor in the first place was its efficient use of uranium—much more efficient than the less expensive light water nuclear reactors. If uranium were scarce and expensive, the extra capital costs associated with breeder technology would be offset by the fuel savings. The Clinch River project was begun 12 years ago because it was expected that a rapidly escalating demand for nuclear power would lead to a critical shortage of uranium by the year 2000. But in the past decade, estimates of our nuclear power requirements have been cut to less than one-sixth of the original projections; estimates of our uranium supply have doubled; and the price of uranium has actually declined in real dollars. In fact, the domestic uranium mining industry is on the verge of collapse, due to a lack of demand for its product. The Senate is even considering legislation that would prohibit imports of cheaper uranium from Australia and Canada.

When the Clinch River project was first proposed, energy planners were concerned about both the supply and price of uranium. In 1974, our total

supply of proven and probable reserves were estimated to be about 1.7 million pounds, or enough to provide 340 reactors with a lifetime supply of fuel.

At the time those estimates were made, the Department of Energy began a national uranium resource evaluation (NURE) survey to try to arrive at a better understanding of our uranium resource base. In 1980, NURE reported that our uranium reserves had, in fact, been grossly underestimated, and that our proven and probable reserves were close to 3.5 million pounds—enough to fuel 700 reactors.

In fact, uranium is the only non-renewable fuel whose price has declined since the last OPEC price hike in 1979. Since that year, uranium has declined by 59 percent; while oil has increased by 146 percent, and natural gas has increased by 74 percent.

As a result of the increase in supply of uranium and a decrease in the price of the uranium market, 9,000 of an estimated 22,000 workers in the uranium mining industry have been laid off, 30 uranium mining complexes have shut down. And 395 uranium exploration projects have been discontinued. One must suspect that the collapse of our uranium mining industry is a direct consequence of the wildly exaggerated predictions for the growth of nuclear power put forth by Government forecasters.

While the uranium resource base has roughly doubled, the demand for its product has decreased sharply, as the predicted boom in the nuclear market has failed to materialize. In 1974, the U.S. Atomic Energy Commission predicted that we would have 1,200 operating nuclear powerplants by the year 2000. The Department of Energy's February 1982 report to Congress projects only 165 operating nuclear reactors by the end of the century and no more than 285 plants by the year 2020.

The expected market for nuclear power has failed to materialize primarily because the demand of electricity has dropped to less than half the level experienced during the early 1970's. Slower electric growth rates are predicted, by both the Department of Energy and the Edison Electric Institute, for at least the next 20 years.

These changes mean that the fuel savings promised by the breeder, in return for the investment in this high-priced, capital-intensive technology will not be needed, or even affordable, until at least the middle of the 21st century. In 1972, it was expected that the rapid growth of nuclear power would shrink the uranium supply fast enough to make the capital-intensive breeder an economical replacement for light-water nuclear reactors by the year 2000. Clearly, this is not the case.

Mr. Chairman, the question is, Why are we ignoring the evidence and rush-

ing to embrace the breeder reactor? Why are we forcing a product on the market before its time? The result of our continuation of the Clinch River breeder system will be an irretrievable loss of billions of dollars, which we cannot afford, to our economy. This is an action we cannot afford to take. I urge you to join with me in support of the Coughlin amendment. ●

● Mr. GOLDWATER. Mr. Chairman, we have, as in years past, begun to hear all sorts of claims about the Clinch River breeder reactor; some for it, and some violently opposed. This time the arguments focus on economics, with the main issues including the total cost of the plant and the amount needed to keep the project going for another year. I have been particularly intrigued with the cost estimates that have been published by both sides on this debate, with the Department of Energy now saying that this reactor's cost has increased to \$3.6 billion, and with the project opponents saying no, it is \$7, \$8 or \$12 billion, or whatever number either side cares to pull out of its hat. I have little doubt that next week someone will tell us the cost is \$15 billion, or \$25 billion if you count—fill in your choice of additional items—or whatever. And frankly, I do not care.

The reason I take this lighthearted approach is a simple one. Although the true cost of Clinch River may be the question to some people, it is not the issue to me. As I see it, the issues that we must address as responsible policymakers are not only how much does the CRBR cost, but what do we get for that cost and is it worth it? To make this decision, I ask you to accept only one premise; that we are using a substantial amount of energy now and will need more in the future. The how much and when are not that important. What is important is to determine how we will find the additional energy sources and supplies which we will surely need for future economic growth.

The answer to that question is also simple. We do it by conducting research and development of course, and since the oil embargo of 1973 we have spent, we in the Congress, over \$40 billion of taxpayers' money to develop new energy sources.

What do we have to show for it? Where are the synthetic fuels plants we so earnestly debated a few years ago, and a few years before that? Where are the power-producing windmills that were supposed to be dotting the countryside? Where are the large photovoltaic arrays, the limitless nuclear fusion power supplies or the breeder reactors we promised ourselves, and the American people? Of all these technologies, what have we really built, and what are we in the position to build now? More bluntly, what have we got to show for our \$40

billion? And, most importantly, what will we have to show tomorrow when we really need it?

So far, the answer is, not very much. Our success rate has not been very high, and the reasons, technological difficulties, lack of sufficient funding, changing priorities, are all too familiar. But there is one technology we have been spending money on that is almost ready to be brought to the demonstration stage and is now ready to be built in a significant size. That is the breeder reactor, and its demonstration plant is called Clinch River. Over \$1 billion has already been spent on CRBR, and an additional \$2 billion, more or less, is needed to complete it.

To anyone who really believes we have an energy problem—remember when we used to call it the energy crisis? Has anything really changed since then?—I ask, how can we not proceed into the next phase of development of breeder reactors, our most advanced energy technology? How can we give up now? I know that a \$3, \$5, or \$10 billion price tag is a tremendous amount of money, and that the \$250 million we are being asked to spend on Clinch River in fiscal year 1983 will buy a lot of other things if not spent on the development of the breeder. However, I conclude that spending a responsible amount of money on the CRBR is not only warranted, but essential.

We have invested over \$200 billion so far in electrical powerplants in this Nation. The money now needed for Clinch River may lead to the technology that will keep our electrical generating capability healthy and growing. The cost of not having sufficient energy available when needed in the future, in terms of economic growth, national security, and social welfare, is more than I care to gamble with.

To put matters in another perspective, consider that Clinch River can be completed at a cost of about 2 weeks that of imported oil. Further, if we do complete this reactor, the revenues from the sale of electricity it will produce over its lifetime will amount to about \$8 billion, which will go a long way toward making up for both its capital and operating costs. And finally, and this is the real clincher, the availability of breeder technology will open up to use the \$15 trillion equivalent in energy content in depleted uranium ores that can fuel breeder reactors, and that have already been mined and are now in storage at Government facilities. This material, if used in breeder reactors, will have an energy content that is greater than that of all the world's coal and oil. It is ours to use if, and only if, we have the breeder reactor.

And so it is time to return to the question I posed at the start of this letter. Who cares if Clinch River costs

\$100 billion? I would care, of course, and know we must do everything possible to keep those costs down. Frankly, I have much more confidence in the \$3.6 billion estimate of the Department of Energy than I do in the inflated figures that are being thrown around by those who, as in years past, are trying to come up with whatever fabricated arguments they can to show that breeder reactors are unnecessary, overly expensive, technologically deficient, or evil—remember proliferation, and our total failure to get other nations to abandon their breeder efforts because of this concern.

What it all boils down to is that we have put ourselves in a position of energy insufficiency, and have received as our penalty a parking ticket in terms of our need to build a breeder demonstration plant as a way out. And so I say, pay the \$2 billion, and take a necessary and economical step for energy security.●

● Mr. PEASE. Mr. Chairman, once again the Clinch River breeder reactor question is before us. I urge my colleagues to support the Coughlin amendment and reject funds for the breeder reactor.

No matter what party affiliation, political philosophy, or region of the country, all of us have colleagues who oppose this bill. Opposition is not based on a single factor. While objection to the CRBR's cost are the predominant complaint, it is far from the only one.

The venture to produce fuel for light water reactors obviously serves a particular group of clients—those with light water reactors. But a breeder reactor is useless if the credibility of today's light water reactors does not recover. And if reactor operators are not willing to invest a significant amount in development of an operation that benefits them directly why should American taxpayers do the same?

Mr. Chairman, the original cost estimates for the CRBR were less than \$700 million. The Department of Energy, which supports the project, with thoroughly questionable methodology—such as using an imputed interest rate of zero percent—recently found the breeder would cost \$3.6 billion. The General Accounting Office looked again and estimated \$8.9 billion.

Mr. Chairman, I urge my colleagues, in a year when we have made enormous cuts in programs ranging from medicare to energy conservation to business tax incentives, to support the Coughlin amendments to delete funding for the Clinch River breeder reactor.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. COUGHLIN).

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

RECORDED VOTE

Mr. COUGHLIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 196, not voting 20, as follows:

[Roll No. 447]

AYES—217

Addabbo	Glickman	Ottlinger
Albosta	Goodling	Panetta
Applegate	Gradison	Patterson
Aspin	Gramm	Paul
Bailey (MO)	Gray	Pease
Barnes	Green	Petri
Bedell	Gregg	Peyser
Bethune	Guarini	Porter
Bingham	Gunderson	Pritchard
Boland	Hall (IN)	Pursell
Bonior	Hall (OH)	Rahall
Bonker	Hamilton	Rangel
Brodhead	Harkin	Ratchford
Broomfield	Hawkins	Reuss
Brown (CA)	Heckler	Ritter
Brown (CO)	Heftel	Rodino
Burton, Phillip	Hertel	Roemer
Byron	Hiler	Rogers
Carman	Hillis	Rosenthal
Chisholm	Hopkins	Roybal
Clay	Howard	Russo
Clinger	Hoyer	Sabo
Coats	Huckaby	Savage
Collins (TX)	Hughes	Sawyer
Conte	Jacobs	Scheuer
Conyers	Jeffords	Schneider
Coughlin	Jeffries	Schroeder
Courter	Jenkins	Schumer
Coyne, James	Kastenmeier	Seiberling
Crane, Daniel	Kemp	Sensenbrenner
Crane, Philip	Kennelly	Shamansky
Crockett	Kildee	Shannon
D'Amours	Kogovsek	Sharp
Daschle	Kramer	Shaw
de la Garza	LaFalce	Shumway
Deckard	Lantos	Simon
Dellums	Leach	Smith (NJ)
DeNardis	LeBoutillier	Snowe
Derrick	Leland	Snyder
Dicks	Lent	Solarz
Dingell	Levitae	St Germain
Dixon	Long (MD)	Stark
Donnelly	Lott	Stokes
Downey	Lowry (WA)	Studds
Dunn	Lundine	Swift
Dymally	Lungren	Synar
Early	Markey	Tauke
Eckart	Martin (IL)	Thomas
Edgar	Martin (NY)	Traxler
Edwards (CA)	Matsui	Trible
Edwards (OK)	Mattox	Udall
Emery	Mavroules	Vander Jagt
Ertel	McCloskey	Vento
Evans (DE)	McCollum	Volkmer
Fascell	McCurdy	Walgren
Fazio	McDade	Walker
Fenwick	McGrath	Washington
Ferraro	McHugh	Waxman
Findley	McKinney	Weaver
Fish	Mikulski	Weber (MN)
Florio	Miller (CA)	Weber (OH)
Foglietta	Minish	Weiss
Ford (MI)	Mitchell (MD)	Whittaker
Fowler	Mitchell (NY)	Williams (MT)
Frank	Moakley	Wirth
Frenzel	Moffett	Wolf
Frost	Molinar	Wolpe
Garcia	Moore	Wortley
Gejdenson	Neal	Wyden
Gephardt	Nowak	Wyllie
Gibbons	Oakar	Yates
Gilman	Oberstar	
Gingrich	Obey	

NOES—196

Akaka	Annuzio	Atkinson
Alexander	Anthony	Badham
Anderson	Acher	Bafalis
Andrews	Ashbrook	Bailey (PA)

Barnard	Gore	Nelson
Benedict	Grisham	Nichols
Bennett	Hall, Ralph	O'Brien
Bereuter	Hall, Sam	Oxley
Bevill	Hammerschmidt	Parris
Biaggi	Hance	Pashayan
Bliley	Hansen (ID)	Patman
Boggs	Hansen (UT)	Pepper
Boner	Hartnett	Perkins
Bouquard	Hatcher	Pickle
Bowen	Hefner	Price
Breaux	Hendon	Quillen
Brinkley	Hightower	Regula
Brooks	Holland	Rinaldo
Brown (OH)	Hollenbeck	Roberts (KS)
Broyhill	Holt	Roberts (SD)
Burgener	Horton	Robinson
Butler	Hubbard	Roe
Campbell	Hunter	Rose
Carney	Hutto	Rostenkowski
Chappell	Hyde	Roth
Cheney	Ireland	Roukema
Clausen	Jones (NC)	Rousselot
Coelho	Jones (OK)	Rudd
Coleman	Jones (TN)	Santini
Collins (IL)	Kazen	Shelby
Conable	Kindness	Siljander
Corcoran	Lagomarsino	Skeen
Coyne, William	Latta	Skelton
Craig	Leath	Smith (AL)
Daniel, Dan	Lee	Smith (IA)
Daniel, R. W.	Lewis	Smith (NE)
Dannemeyer	Livingston	Smith (OR)
Daub	Loeffler	Smith (PA)
Davis	Long (LA)	Solomon
Derwinski	Lowery (CA)	Spence
Dickinson	Lujan	Stangeland
Dorgan	Lukens	Stanton
Dornan	Madigan	Stanton
Dowdy	Marks	Stenholm
Dreier	Marlenee	Stratton
Duncan	Marriott	Stump
Dwyer	Martin (NC)	Tauzin
Dyson	Mazzoli	Taylor
Edwards (AL)	McClary	Wampler
Emerson	McDonald	Watkins
English	McEwen	White
Erlenborn	Mica	Whitehurst
Evans (IA)	Michel	Whitley
Evans (IN)	Miller (OH)	Whitten
Fiedler	Mineta	Williams (OH)
Fields	Mollohan	Wilson
Flippo	Montgomery	Winn
Foley	Moorhead	Wright
Ford (TN)	Morrison	Yatron
Forsythe	Mottl	Young (AK)
Fountain	Murphy	Young (FL)
Fuqua	Murtha	Young (MO)
Gaydos	Myers	Zablocki
Ginn	Napier	Zeferetti
Goldwater	Natcher	
Gonzalez	Nelligan	

NOT VOTING—20

AuCoin	Dougherty	Lehman
Beard	Erdahl	Martinez
Beilenson	Evans (GA)	Railsback
Blanchard	Fary	Rhodes
Bolling	Fithian	Schulze
Burton, John	Hagedorn	Shuster
Chapple	Johnston	

□ 1750

Mr. HUNTER changed his vote from "aye" to "no."

Mr. SCHEUER and Mr. MINISH changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BONIOR OF MICHIGAN

Mr. BONIOR of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BONIOR of Michigan: Page 10, line 3, insert: "Provided further, That none of the funds appropriated by this Joint Resolution, or by any

other Act, shall be available for any activity relative to the construction of the O'Neill irrigation unit in the State of Nebraska" before the period.

The CHAIRMAN pro tempore (Mr. BAILEY of Pennsylvania). Pursuant to the rule, the gentleman from Michigan (Mr. BONIOR) will be recognized for 15 minutes, and a Member opposed to said amendment will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members, the amendment I offer is straightforward in its intent. It would simply prohibit the expenditure of funds from any source for construction of the O'Neill irrigation unit in Nebraska.

In the short time I have, let me preface my remarks by noting that a similar amendment was offered by our former colleague, John Cavanaugh, himself a Nebraskan, in 1980. That amendment was defeated by only nine votes. Over 165 Members of the 202 who supported that amendment are still in the House and this amendment is even more justified today.

In the 2 short years since John offered his amendment, the cost of this project has increased by 60 percent—to \$368.7 million. That represents an increase of 300 percent over the 1972 authorization level.

Maybe that does not bother you much. You might say the cost of everything has increased. Consider, however, that the benefit-to-cost ratio has fallen from 2.7 to 1.3 and continues to drop.

Consider that this project will benefit only 300 farms at a cost to the Government of \$1.2 million per farm. Largest among the affected landholders are the State of Nebraska—5,100 acres—and the Prudential Insurance Co.—4,480 acres.

Consider that the beneficiaries will pay back only \$45 million or 12 percent of the cost. The rest will be paid through utility rate increases to the citizens of Colorado, Iowa, Minnesota, Montana, Missouri, Nebraska, North Dakota, South Dakota, and Wyoming even though the O'Neill project would generate no power. Consider further that since the beneficiaries' costs are fixed at \$45 million, that all additional or increased cost must be borne by these nine States, eight of which receive no benefits.

Consider that more than 30,000 acres will be taken to irrigate only 77,000 and that 40 percent of those acres have already been irrigated by private wells at an average cost of one-eighth of what the Federal Government will spend per acre.

Consider that 30 percent of the lands to be irrigated are, in the Bureau's own terminology, class III lands of restricted suitability for irrigation.

Consider that one of the areas destroyed by this project is the only known confluence of six different ecosystems in the United States and that endangered whooping cranes have been recently sighted in that area.

Consider that the Bureau of Reclamation has stated that corn will be the dominant crop to be produced in the irrigated lands. This year, Nebraskan farmers destroyed 400,000 acres of corn—five times the amount to be irrigated—to comply with Federal farm programs.

Consider that a statewide poll by the largest newspaper in Nebraska—Omaha World Herald—found its citizens in opposition to this project by a 2-to-1 margin and that 50,000 Nebraskans have signed a petition to stop its construction.

Consider that the cost of the project will not be repaid to the Treasury until the year 2053, that the payments are interest-free while the Federal Government will have to borrow with interest to cover the costs.

Consider that the project is opposed by the National Taxpayers Union, the National Wildlife Federation, Sierra Club, the Nature Conservancy, the Nebraska Water Conservation Council and others.

Consider, finally, that the Bureau of Reclamation has recognized two alternatives having better benefit-cost ratios at half the cost. Two diversion projects: First, to replenish the aquifer; and second, for surface irrigation.

Mr. Chairman, if this body is to have any credibility whatsoever, it must apply the standards and rigors of our current austerity policies consistently and equitably.

How can we decry the increased cost of food stamps which supply sustenance to the needy, and yet avert our eyes from a 2-year, 60-percent increase for a project of such dubious value that it is not even supported by its home State?

How can we tell millions of social security recipients that the few dollars they receive each month jeopardizes the economic health of the country while we provide \$1.2 million to each of 300 farmers?

How can we demand the repayment of student loans in full yet ask for only 12 cents on the dollar on benefits provided to a select few?

How in the world can we expect our constituents to trust their economic fate to leaders who would ask them to pay eight times the average costs for irrigation for a crop we will demand be destroyed? They would be entirely justified in questioning our sanity, let alone our competence.

I do not need to tell either side of the aisle that the faith of our people is being tested in the fires of upheaval, loss, insecurity, despondency, and deprivation. A betrayal at this moment, could mean the irretrievable loss of a

generation already buffeted by Vietnam and Watergate. Our demands upon our citizens must be judicious, our burdens eminently equitable.

I do not know the outcome of an anticipated vote on the jobs program title of this bill. I cannot imagine "staying the course" with regard to Americans whose only hope is a job while seeking a "safe harbor" for an expensive few. Such a course only erodes our national unity and our harvest is cynicism and apathy.

The money in the bill for this project is only \$500,000. However, \$5 million exists from previous appropriations and funding reprogramming is possible without a vote from the House. Even a small amount of construction would do irreversible environmental damage and create its own perverse justification for continuing.

I want to emphasize to my colleagues that this vote is every bit as important as those which they will cast on the other two projects considered here today. We are talking about 360 miles of canals and a dam that is over 200 feet high and over a mile long. We are talking about the expenditure of at least one-third of a billion dollars. But unlike the other two projects, Members can stop this highly questionable project with very little unrecoverable costs to the country. This project is less than 2 percent completed, no land has been purchased, no environmental damage done.

I ask Members to allow us a year to seek deauthorization of this project and to show the country that all of our expenditures are based upon the same standard: need and merit.

I reserve the balance of my time.

□ 1800

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. BONIOR) has consumed 8 minutes.

Mr. BEVILL. Mr. Chairman, I rise in opposition to the amendment offered by my good friend and colleague, the gentleman from Michigan.

The CHAIRMAN pro tempore. The gentleman from Alabama (Mr. BEVILL) is recognized for 15 minutes.

Mr. BEVILL. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to direct my remarks to Congressman BEVILL, chairman of the Subcommittee on Energy and Water Development, of the Committee on Appropriations.

Mr. Chairman, as you are aware, over the last 10 days the Midwest was subject to one of the worst floods in this century. My own district in Missouri was the site of the most severe flood in recorded history. Thousands

of families have been left homeless and the total damage has been estimated to be several hundred million dollars. One of the areas that was hit hardest by the floodwaters was the area along the Meramec River. Almost a year ago, this Congress passed Public Law 97-128, which deauthorized several Corps of Engineers projects, including the Meramec Park Lake and Dam which would have reduced the damages from the recent flooding.

Public Law 97-128 also included a provision which would provide for flood control prevention consisting of structural and nonstructural measures along the lower Meramec River.

Mr. Chairman, I am aware of the tremendous constraints which the Committee on Appropriations is under in providing for all the different needs of the Members of this body. I am also aware that the energy and water development appropriations bill provided funds to initiate the flood control study which will help prevent the tragic disaster of flooding that has taken place in Missouri. I want to commend the members of the committee for including the funds for the lower Meramec flood control project in the House version of the bill.

Mr. Chairman, on December 10, 1982, the President declared 15 counties in Missouri as Federal disaster areas due to the severe floods and damages that I have discussed. It is absolutely essential that we begin the needed flood control work as soon as possible.

Mr. Chairman, it is my understanding that the Appropriations Committee will include the funds necessary to begin this work in the House version of the energy and water development appropriations bill that will be brought to the floor early in the 98th Congress. Mr. Chairman, I would like to ask if that is your understanding as well.

Mr. BEVILL. That is correct.

Mr. YOUNG of Missouri. I thank the gentleman.

Mr. BEVILL. Mr. Chairman, I oppose this amendment. I do not think that this amendment is in order at this time because this project is in court. The President requested \$700,000 for the project in fiscal year 1983. The committee did not put any money in the bill for the project.

I assume what my good friend and colleague from Michigan is seeking to do with his amendment is to stop the court proceeding. That is exactly what would be the result if his amendment passed. It just tells the court, "You cannot go any further."

I say that because if one reads the amendment, it says that none of the funds appropriated by the joint resolution—and there are none—or by any act shall be available for any activity relative to the construction of the

O'Neill irrigation unit in the State of Nebraska.

□ 1810

So actually, Mr. Chairman, I would say that this amendment is premature. It should not be here. The court is considering this matter.

This is a multipurpose project. It provides irrigation, recreation, fish and wildlife, and flood control benefits. It is a project that has had considerable study, and considerable study is going on now. If we adopt this amendment, the court cannot act. I think that is wrong. Congress traditionally leaves these matters for the courts to decide when they are in court. We should let the court act on it.

So, Mr. Chairman, I urge that the Members defeat this amendment.

Mr. Chairman, I yield such time as she may desire to the gentlewoman from Nebraska (Mrs. SMITH), who is a valued member of the Subcommittee on Energy and Water Development.

Mrs. SMITH of Nebraska. Mr. Chairman, I thank the gentleman from Alabama for yielding me this time.

I oppose the amendment by the gentleman from Michigan. I speak on behalf of the people of the Third Congressional District of Nebraska with respect to the vital water-conserving project in my district known as the O'Neill Unit of the Pick-Sloan Missouri River Basin development program.

I am here because the gentleman from Michigan is offering an amendment that would deny any further funding for this excellent, desperately needed multipurpose reclamation project.

This amendment would inflict destructive mischief working against the interests of both proponents and opponents of the O'Neill unit.

This is true because the O'Neill unit and the question of its funding is in litigation, with a trial being imminent in the Federal District Court of Nebraska even as I address the House. The issues in that trial are the very ones that have been raised repeatedly already in many hearings and in several debates here in the House and now again in this debate.

The litigation of which I speak could settle all these issues once and for all if the judicial process is allowed to proceed. But if the House again attempts to legislate answers to these issues, the questions will remain, I fear, simply because Congress has repeatedly examined, reexamined, reauthorized, funded, studied, and restudied again as it has repeatedly approved this project for construction every year since 1974.

In 1977, opponents of the project, having failed to persuade either the Congress or the executive branch of the merits of their opposition, turned, as they should, to the courts to seek redress. And that is exactly what

should be allowed to proceed in normal fashion to formal decision and thence to appeal. In the meantime, a court order prohibiting construction remains in effect, as it has since March 4, 1977.

Therefore, I implore my colleagues to act responsibly and wisely in this matter, to reject this unfair amendment and any other improper and irresponsible legislative amendments relating to the O'Neill unit, and to help me discourage any other restrictive or limiting amendments relating to this project. I am simply asking the House, and later I will ask any other opponents, to let the judiciary work its will on this matter.

How wise a course this would be is strikingly demonstrated by the litigation involving the Garrison project in North Dakota. There, on May 6, 1981, the court ruled, in effect, that construction could not be resumed until Congress reauthorized the project. On November 20, 1981, the House refused by an overwhelming vote of 317 to 67, to overturn the court's ruling. And all for the best, too. Subsequently, on May 7, 1982, an appeals court reversed the lower court's demand for reauthorization, vindicating the House's position, preserving clear separation of powers between legislative and judicial branches, and avoiding setting dangerous precedent in judicial concrete.

In the lawsuit involving the O'Neill unit, if the court rules adversely to the project's supporters, the project almost certainly will face further congressional action aimed at reauthorization or be dropped from further consideration. If the court rules for the project, there will be ample time for the gentleman from Michigan, Delaware, and others to express themselves in regular hearings on this project and the 900 or more others whose funding is considered and recommended annually by my Appropriations Subcommittee on Energy and Water Development.

In brief, the main issue being addressed in the lawsuit of major concern to the Congress is whether Congress must reauthorize the project before construction can be resumed. The project's opponents insist that reauthorization is mandatory because the indexed cost estimate allegedly exceeds the indexed ceiling authorized by the Congress as the result of supposed improper changes in indexing procedures and as a result of ostensibly unauthorized design changes in the project's principal dam. The court also will rule on whether the Bureau of Reclamation has adequately addressed three technical defects in the environmental impact statement.

According to research by the legal division of the Congressional Research Service, Congress has not yet passed any law requiring that a project be re-

authorized when the estimated project cost exceeds the indexed authorized ceiling. Nevertheless, if Federal courts should cloud the legal situation by requiring reauthorization under these circumstances, the Bureau has indicated that it would not engage in construction until Congress acted positively to reauthorize.

Some opponents have suggested that without restrictive amendments, a favorable court order would result in an all-out construction effort of the O'Neill unit before congressional action could halt it. But even if no appeals are taken, the Bureau of Reclamation could not possibly even award construction contracts in less than 1 year even though the authorizing statutes permit the Bureau to shift limited funds from one project to another to avoid costly construction delays.

Furthermore, this continuing resolution provides not even one red cent of new construction funds—just because the court has forbidden further construction, and because the costs of conducting the Government's defense in the suit can be paid out of administrative costs.

But with any amendment prohibiting use of even administrative funds for meeting court costs, a gross injustice would be inflicted upon the U.S. Government and the proponents of the project. It would also be improper interference with the judicial process. The will of Congress and of the executive branch would be thwarted and aborted in a way repugnant to those who cherish fairplay and the hopes that our Government is not only a Government of laws but of orderly, reliable, understandable procedures.

Here is how the will of Congress and of the executive branch has been expressed with respect to the O'Neill unit.

The project was first authorized in 1954 and reauthorized in 1972 by Public Law 92-514, planning funds were made available in 1974, and construction funds in 1976. The Congress, having thus unequivocally in the most positive possible fashion endorsed, supported, and advocated the construction of the O'Neill unit, has in every year since 1976 provided construction funds for the project until fiscal year 1983 because all preconstruction work has been completed permissible under the existing court order.

Even so, the House Appropriations Committee Report No. 97-850 accompanying our bill, H.R. 7145, on page 157 states:

O'Neill Unit, Neb.—The Committee, without prejudice, has deleted funds contained in the budget for the O'Neill Unit in Nebraska pending resolution of the current court litigation. Because of the litigation, there is no present requirement for funding. If the Court decides in favor of the project, the Bureau of Reclamation may utilize available funds to continue the project.

The Committee wishes to emphasize its continued strong support for the O'Neill Unit and will recommend additional funding as needed in future appropriation bills.

Nevertheless, opponents of the project continue to question the wisdom of Congress in funding its construction in annual appropriations bills—and, of course, that is the way it is supposed to work. Indeed, I note that the gentleman from Michigan has not previously given my subcommittee the benefit of his views on the O'Neill unit in the comprehensive hearings held each spring here in room 2362 of the Rayburn Building, and I invite him and any other colleagues who have views, pro or con, to do so at the very next opportunity. After all, every year, our subcommittee's hearings attract more than 2,000 witnesses, many of whom come thousands of miles at their own expense, to express their views on water projects in every stage of planning, construction, operation, and repair.

In addition to the continued strong support of the U.S. Congress for the O'Neill unit, seven Presidents, including both Jimmy Carter and Ronald Reagan, have endorsed and supported this project not only in their budgets but in testimony by their respective Secretaries of the Interior, the Commissioners of the Bureau of Reclamation, all Governors of Nebraska since the project was authorized in 1954, nearly all Nebraska Members of Congress from the State, the State AFL-CIO trade union organization, dozens of mayors, chambers of commerce, water-planning organizations, the Nebraska State Legislature, and even the Sioux Indians who live adjacent to the project site in north central Nebraska.

Let me emphasize that the AFL-CIO sends a representative at union expense to testify every year in support of the O'Neill unit before our subcommittee because of the enormous economic benefits the project would provide—benefits that are obvious to everyone except the small group of opponents. Here is what the union representative said in his testimony in 1981:

We represent approximately 12,000 members. Our unemployment is more severe now than ever before. We need some work—not extended unemployment benefits, food stamps, and other Federal assistance!

What he clearly recognized was that the O'Neill unit would create not only construction jobs during the 10 years of construction but others as the \$153 million annual economic benefits, estimated by project supporters, ripple throughout the national economy. The union leader's testimony this year was essentially the same, noting additionally that "Our unemployment has not improved, in fact, conditions are worse."

Additionally, I wish to make the committee aware of a test to which the O'Neill unit was subjected—a

unique test to which no other similar project has been subjected—and the O'Neill unit came through with flying colors.

The test was agreed to by both proponents and opponents because of the continuing criticism of the project. The House Appropriations Committee in its report on the fiscal year 1982 funding bill, directed that the Bureau of Reclamation conduct a new 120-day reconnaissance study of alternate methods of providing water service to the O'Neill unit area.

The Bureau scrutinized nine proposed alternative plans. The purpose was to see whether, before undertaking major construction, another hard look at the situation might turn up some less expensive plan to achieve the same results in light of the rapidly changing economic situation.

The Bureau's report, issued in October 1981, reveals clearly that the only practical, feasible way to provide vitally needed water to the O'Neill unit project area with certainty and within a reasonable time is through construction of the O'Neill unit as authorized by law.

Perhaps most important of all, the local people in the project area overwhelmingly support the project—voting 77 and 78 percent for it in two separate referendums in 1979—to ratify water repayment contracts and other contractual arrangements for distribution of the water at considerable cost to themselves, and pledging to repay Uncle Sam millions and millions of dollars directly back into the U.S. Treasury.

In spite of all this, the small group of opponents have proven themselves exceedingly successful in making headlines by attacking the O'Neill unit, alleging over and over again that support for the project is fading. There is no hard data to substantiate this allegation.

Indeed, it is quite possible that whenever the project is studied objectively and fairly by openminded disinterested persons, new advocates are won for it.

On February 26, 1982, the Nebraska Legislature's Public Works Committee held a widely publicized hearing on the O'Neill unit. At least 8 individuals and representatives of 45 organizations with memberships and populations totaling more than 296,763 persons from every aspect of the State's political, civic, and economic life crowded into the hearing room in support of the project, representing many, many areas outside the Third Congressional District.

At this hearing, only 13 individuals and 12 representatives of mostly environmental organizations with less than 5,000 members in the State opposed the O'Neill unit.

Nevertheless, in spite of this outpouring of support for the O'Neill unit, despite the Nebraska Legislature's repeated endorsement of the project, one of our State senators had the temerity to write to Chairman WHITTEN and my subcommittee Chairman BEVILL on July 13, 1982, as follows:

Popular support for the project . . . in recent times has eroded here in Nebraska. This year, the Unicameral (that's our legislature) tried, but failed to pass, a formal resolution in support of the O'Neill unit. This is the first time such a resolution was effectively blocked. The significance is obvious. It is abundantly clear that the vast majority of Nebraskans no longer support the project.

The senator did not bother to give me a copy of his letter, but of course Chairman WHITTEN and Chairman BEVILL turned to me for an explanation as the official representative of the district in which the O'Neill unit is located.

For the RECORD I wish to submit both the State senator's letter and responses to Chairman WHITTEN and Chairman BEVILL from two distinguished Nebraska chairmen of legislative committees with jurisdiction over public works in my State, Hon. Loran Schmidt, chairman, agriculture and environment committee, and Hon. John W. DeCamp, chairman, public works committee.

I quote from Chairman DeCamp's letter:

There was no attempt to even take up the resolution (endorsing the O'Neill unit) this session of the Legislature because this session . . . was so tied up with battles over budget matters. . . . There has never been serious opposition at any time to this resolution. . . . There is no doubt . . . that there were the votes to pass the resolution.

Mr. Chairman, as with all important, large-scale undertakings, there are good arguments for and against the O'Neill unit, and reasonable, honest men can disagree over whether the weight of the argument is on one side or the other. I do deeply resent the enormous amount of misinformation and misleading statements that opponents of the O'Neill unit have persisted in distributing among Members of Congress. While it is extremely easy to be against a dam in somebody else's district, with or without reliable information about it, it is extremely difficult for proponents to counter and rebut false allegations.

I know, for example, that the gentleman from Michigan does not mean to oppose the project superficially without careful analysis. I am sure that so far he has relied on trusted counselors, who in this case obviously do not understand the intensifying shortage of water in the West nor the necessity for the measures contemplated in Federal water projects generally and in the O'Neill unit particularly. I regret that the gentleman from Delaware

has allowed his name to be used as the author of an article in the Christian Science Monitor on September 22, 1982, filled with the same sort of wrongful assumptions and misinformation as was contained in the State senator's letter to my distinguished chairmen. If he had given me the opportunity, I would have been happy to respond to each concern expressed in the article. I am still glad to do so—if wanted.

Furthermore, while debates in the House on this project are readily available and while I have wearied my colleagues by sending much additional factual material in an effort to counter wrongful information, I stand ready to provide still more information to anyone who asks for it. I would be happy to try to respond to any concern and to any question expressed by Members.

In conclusion, an amendment to deny all funding to the O'Neill unit would in effect establish an unprecedented mechanism for deauthorizing public works projects of the Bureau of Reclamation.

This is an issue that should be dealt with carefully by the authorizing committee through the usual legislative process—certainly not in haste in a "lameduck" session of Congress and most certainly not in this offhand fashion in an appropriations bill.

It is true that the Army Corps of Engineers has an established procedure for deauthorizing its projects. But it is also true that no Bureau of Reclamation project has ever been deauthorized, and no system exists for doing so.

Therefore, I hold that it is unfair, unjust, and unconscionable to deauthorize the O'Neill unit in the manner contemplated through such a denial of funds without hearings, without giving the people of Nebraska an opportunity to effectively respond to the proposal, and without allowing the time-tested congressional legislative process to be brought fully to bear on the issues.

And now, for the RECORD, I submit a statement containing full information about the O'Neill unit and why the promises of the Federal Government to the people in the project area should be forthwith fulfilled after 27 years of waiting.

The statement follows:

O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

The O'Neill Unit, authorized by the Reclamation Project Authorization Act of 1972, Public Law 92-514, on October 20, 1972, is a multipurpose project to serve the functions of irrigation, recreation, fish and wildlife, and flood control. Norden Dam and Reservoir would be constructed on the Niobrara River to store and divert water. Regulated irrigation releases would supply water to 77,000 acres of irrigable land. Recreation and fish and wildlife enhancement facilities also are included.

The economic justification of the O'Neill Unit is favorable. Based on projected Octo-

ber 1982 price levels, the cost of the unit is estimated to be \$364,560,000. The ratio of benefits to costs is estimated to be 1.3 to 1, based on direct benefits only, and 1.6 to 1, based on total benefits. About 95 percent of the cost of the unit will be repaid by direct beneficiaries and Pick-Sloan Missouri Basin Program power revenues.

Numerous alternatives to the O'Neill Unit were examined in the final environmental statement and supplements and the October 1981 Alternatives Study. None of those alternatives proved to be superior to the authorized O'Neill Unit.

Currently, an injunction by the United States District Court of Nebraska is barring construction activities on the O'Neill Unit. Reclamation has provided all of the material requested by the court to set a hearing date. If and when the injunction is lifted, Reclamation intends to proceed with construction of the O'Neill Unit as funds are provided by the Congress in subsequent appropriation bills.

The fiscal year 1982 budget provided \$500,000 for the 120 day Alternative Study, O'Neill Unit. The President's budget request for fiscal year 1983, which presently is before the Congress, includes \$700,000 for the unit.

The appropriations authorized are \$329,728,000 (October 1982). The comparable Federal obligation is \$364,560,000. This exceeds the ceiling by more than 5 percent but the differential is less than the amount for contingencies included in the obligation. Appropriate congressional committees have been advised of the estimated ceiling and obligation status for this project. Additional appropriation ceiling will be requested when it appears certain that this cost will exceed the authorized ceiling limitation.

The unit is 2 percent complete. A bridge on the access road to Norden damsite was completed in November 1976. Since the March 4, 1977, injunction by the United States District Court, only limited preconstruction work in compliance with that court order has been undertaken. Upon removal of the injunction, efforts in fiscal year 1983 would be to prepare specifications for the construction of Norden Dam and to improve the county road for access to Norden damsite leading toward the early resumption of construction as directed by Congress.

The O'Neill Unit would supply water to irrigate about 77,000 acres. About 30,000 acres would be required for construction of the O'Neill Unit. Of that amount, about 22,000 acres is for Norden Dam and Reservoir and approximately 8,000 for canals and laterals. Of the 22,000 acres acquired for the dam and reservoir, production from 6,375 acres would be permanently lost due to inundation by water stored in the reservoir. In addition, production for the 8,000 acres needed for canals and laterals would also be lost. The lands from which production would be lost are as follows:

	Reservoir acres	Canals and laterals ¹ acres
Cropland.....	226	≈ 6,000
Grassland.....	2,482	2,000
Forest.....	2,382	
Riparian.....	785	
River water surface.....	500	
Total.....	6,375	8,000

¹ Estimated.

² Estimated 4,000 acres of dry cropland and 2,000 acres of irrigated cropland—subject to refinement of final alignment of facilities.

Of the remaining 15,700 acres in the reservoir area, about 1,000 acres is cropland. The remainder is grassland (9,800 acres) and forest land (4,900 acres). The cropland would continue to grow crops on a lease agreement as a part of the wildlife management plans. The grassland and forest land would be converted from present uses to wildlife management and recreation areas.

The permanent loss of cropland acres would be about 6,226 acres of which it is estimated the 2,200 acres would be irrigated. About 16,000 acres would be converted from grazing cattle to wildlife management, recreation, and non-use.

Application of irrigation water would have two significant indirect effects—recharge of the declining groundwater table and improvement of groundwater quality. Application of surface water to 69,000 acres in the O'Neill-Atkinson area would recharge the groundwater and sustain irrigation of another 22,000 acres. In addition, average pumping lifts would be reduced from about 200 feet to about 100 feet resulting in a significant energy savings. As groundwater levels in the project area have declined there has been an associated decline in groundwater quality. Recharge of the groundwater would reduce this impact.

By the time the O'Neill Unit is constructed and in operation (10-12 years) the demand for feed grain is expected to increase significantly. Projections show a national increased need for corn production of 10-15 million acres by the year 2000.

The current estimate for costs allocated to irrigation is about \$4,500 per acre. Current assessments of market value indicates that the value of other comparable land, after it is provided with a water supply, is about \$1,000 per acre, which is below the project's investment cost. However, the direct benefits analysis of irrigation based on farm sizes and crop yields projected to year 2010 indicate that the increased net farm income is greater than the investment costs when both are computed using a 3 1/4 percent discount rate for a 100-year period of analysis.

The O'Neill Unit is strongly supported by the local people.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I am happy to yield to my good friend and colleague, the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentlewoman for yielding, and I want to compliment her on her contribution to this debate this afternoon. I remember just a few short years ago when she served with such distinction as a member of the Subcommittee on Foreign Operations, and I recall her helping to develop the information I would like to present to the House at this time.

As we consider the dollars we are spending for an irrigation project in one of our own States, Nebraska, I recall how, thanks to the gentlewoman from Nebraska, we learned that through the World Bank we have helped to finance irrigation and water projects in Afghanistan to the tune of \$2 million; in Cameroon, \$14.5 million; in India, \$126 million; Indonesia, \$140 million; Pakistan, \$35 million; the Philippines, \$150 million; Colombia, \$126 million; Guatemala, \$72 million; India, an additional \$200 million; and

Yugoslavia, \$73 million. And the list goes on and on.

A lot of those dollars are U.S. dollars, and it just seems to me that if we can be providing irrigation projects for farmers throughout the world, we certainly can be providing much needed water for farmers here at home.

Mrs. SMITH of Nebraska. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG).

Mr. ROBERTS of Kansas. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Kansas.

Mr. ROBERTS of Kansas. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, my district and that of my neighbor to the north, represented by the gentlewoman from Nebraska, have a common border of over 200 miles. We both have projects in the Pick-Sloan Missouri Basin plan, and we both share a common problem in our districts of a declining water table.

If we do not begin to take steps right now to really try to preserve our water table, the entire agricultural economy of this area could be placed in jeopardy. We need these projects to help keep the water where it falls and not let it run off.

The O'Neill project is a meritorious project with a high benefit-cost ratio. It deserves our support, and I urge my colleagues to reject the amendment.

Mr. Chairman, we have been down this road before. In 1980 and in 1981 we rejected this proposal during the regular appropriations process. This is the wrong time and it is the wrong place to do this business.

I just heard my colleague, the gentleman from Michigan, make an incredible statement, in which he was describing a \$500,000 water research management program in the same context with such issues as our export policy, why farmers are having to tear up their ground due to a farm policy, food stamps, student loans, Watergate, Vietnam, social security—but he left out the pay raise. We are going to have to give him the Pinocchio award for sticking his nose in other Members' districts.

Mr. Chairman, it is high time that we proceed with this project. But, to begin with, it is not even going to proceed; it is in court. In that regard, this is the wrong way to do business. We should let the courts decide and then proceed.

Mrs. SMITH of Nebraska. Mr. Chairman, I thank the gentleman from Kansas (Mr. ROBERTS).

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I commend the gentlewoman from Nebraska

(Mrs. SMITH) for her efforts to preserve the water supply in her State. In the years to come water is going to be recognized as one of the precious resources of this Nation and will be valued even more highly than presently.

The States that take the initiative in developing water supplies within their boundaries will effectively address what will become an extremely serious problem in the years to come.

It seems to me that this is a project that is directed toward preserving the water that falls in Nebraska and keep it there for the purpose of providing a strong agricultural economy.

We have seen clearly in the debate on the local content bill that one of the key elements in the ability of the United States to work toward a favorable balance of trade is surplus agricultural products that can be sold overseas. Plentiful farm production is dependent on water.

□ 1820

To address a problem in this bill of this magnitude and of this importance to Nebraska and to the gentlewoman's district would be an abuse of the legislative process. This is a continuing resolution. It is designed to keep the Government operating temporarily while we can address these problems in either authorizing or appropriation committees after adequate hearings.

This certainly is not the forum in which we should be taking an amendment that would not have had the proper hearings, that has long-term consequences not only for Nebraska but for the entire United States.

I support the gentlewoman's efforts to oppose this amendment.

Mr. BONIOR of Michigan. Mr. Chairman, I yield 4 minutes to my distinguished colleague from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Chairman, I have listened to the debate here and I know the gentlewoman from Nebraska is very much concerned about this project. I realize that there is a water problem in the western part of the United States including Nebraska, but there are cost-effective alternatives with much higher benefit-cost ratios to solve that problem.

A Federal investment of \$4,535 per acre is eight times the average amount spent by the private sector to irrigate land. The Federal cost per acre of this particular project is four times, four times the current market value of irrigated land in the project area.

The major crop to be grown is corn, yet Nebraska farmers are participating in acreage reduction programs.

My colleagues, there are approximately 300 beneficiaries under this particular project. Each beneficiary, on average, would in effect be subsidi-

dized at a cost of \$1.2 million. We simply cannot afford that.

The gentlewoman from Nebraska was absolutely correct in stating that the support for this project in Nebraska was there earlier. It was there earlier, but the benefit-cost ratio has changed substantially and that support has seriously eroded.

In this session of the unicameral legislature in Nebraska, a resolution was introduced to reaffirm the State legislature's support for O'Neill, the project we are discussing.

But what happened? The resolution failed to pass.

I have here a letter from State Senator Don Wesely to Congressman JAMIE WHITTEN, the chairman of the Appropriations Committee, dated July 13, 1982, which says in effect that the lawmakers are not reaffirming their support for this particular project.

The fact that no money is appropriated this year is precisely why we need to act at the present time. The committee report clearly states that if the current injunction is lifted the Bureau of Reclamation may utilize available funds to continue the project.

The O'Neill unit has had its day in court. Now it deserves its day in Congress.

To put it simply, this project costs a lot. It does not help many people. It is environmentally unsound. If I had to put it on a scale of importance ranking from 1 to 10 it would probably have trouble making 1.

I oppose the project not because I have any particular ax to grind or political gain to make. Obviously I do not. The voters have determined that in Delaware.

But I feel strongly about it. I feel that it is not fair for us to spend public money on projects of dubious merit such as this one when we are asking so many Americans to tighten their belts and weather the dark clouds of our economic situation. We are cutting back assistance programs and making other tough decisions all in the name of narrowing the deficit so we can continue our fight to reduce inflation, to reduce the interest rates, and to put Americans back to work. We just cannot talk about getting tough and weeding out unnecessary expenditures in all departments, including the Defense Department, and then go ahead and allow millions of dollars to be spent on a dam we really do not want. That just is not fair.

Mrs. SMITH of Nebraska. I would like to say that the statement about Senator Wesely is not true, and I will refute it in the RECORD by inserting the text of the Senator's letter followed by texts of two letters from Nebraska legislative leaders with jurisdiction over this resolution and this project. The letters follow:

NEBRASKA STATE LEGISLATURE,
Lincoln, Nebr., July 13, 1982.

HON. JAMIE WHITTEN,
Chairman, Committee on Appropriations,
House of Representatives, Washington,
D.C.

DEAR MR. CHAIRMAN: Your committee will soon begin acting on the various appropriations bills and the Energy and Water Development Appropriations Bill for FY 83 is expected to contain funding for the O'Neill Unit, a Bureau of Reclamation water project which is part of the Pick-Sloan Missouri Basin Program.

Our Unicameral legislature was asked, by formal resolution, to again support the project. Popular support for the project has existed in previous years, and the legislature has previously endorsed it. Popular support, however, in recent times has eroded here in Nebraska. This year, the Unicameral tried, but failed to pass a formal resolution in support of the O'Neill Unit.

This is the first time such a resolution was effectively blocked. The significance is obvious. It is abundantly clear that the vast majority of Nebraskans no longer support the project.

As a member of the Unicameral who serves on the Public Works Committee, I believe that it is essential that your Committee fully understand the change in the position of the state.

Sincerely,

DON WESELY,
Senator.

NEBRASKA STATE LEGISLATURE,
Lincoln, Nebr., August 4, 1982.

HON. TOM BEVILL,
Chairman, Subcommittee on Water and
Energy Development.

HON. JAMIE WHITTEN,
Chairman, Appropriations Committee,
House of Representatives, Washington,
D.C.

DEAR SIRS: Recently you received a letter dated 13 June 1982 from State Senator Don Wesely of the State of Nebraska in which Senator Wesely alleged, "This year, the Unicameral tried, but failed to pass a formal resolution in support of the O'Neill Unit."

Congressman, I want to assure you the letter is totally false and that information is, in the most polite terms, contrary to truth.

There was no attempt to even take up the resolution this session of the Legislature because this session of the Legislature was so tied up with battles over budget matters that I felt it unfair in the last hour of the Legislature to bring the resolution up and put the Legislature into a prolonged debate. There is no doubt in my mind that there were the votes to pass the resolution.

Remember, the Legislature has passed this resolution every time it has come up in the State of Nebraska. I have been the sponsor each of those times. There has never been serious opposition at any time to this resolution.

Additionally, the legislation necessary for implementation of the O'Neill Project has been passed in previous years, amended as necessary, and always received overwhelming support by the Legislature and a signature by the Governor, be he Republican or Democrat.

The additional statements of Senator Wesely in the letter are equally erroneous. Senator Wesely is an urban senator who knows as much about water and our water

needs in out-state Nebraska as a sow does about Sunday. There is no change of position in the State of Nebraska on the Norden Dam and for Senator Wesely to suggest otherwise is irresponsible. It has become popular for a few individuals in the State to campaign in opposition to the project and try to launch their political careers on that basis. It is tragic and unfortunate—but every State has its opportunist—that some of our own people in the State of Nebraska would so eagerly think to cut the throat of agriculture in Nebraska by cutting the throat of the dam.

The purpose of this letter, therefore, is to assure you that the Legislature has done nothing of record except to support the Norden Dam both in the past and up to the present. When and if the Legislature chooses to oppose it, I will be the first to let you know.

Possibly the most important thing to advise you, Congressman, is that when it comes to getting factual information the O'Neill project, the only absolutely reliable source of information at the congressional level is Congresswoman Virginia Smith. This dam has been carefully shepherded through Congress by and through her and I assure you that if anything truly adverse to the interest of the dam were done by the Legislature, she would be the first to know.

Respectfully,

JOHN W. DECAMP.

NEBRASKA STATE LEGISLATURE,
Lincoln, Nebr., August 4, 1982

HON. TOM BEVILL,
Chairman, Subcommittee on Water and
Energy Developments, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BEVILL: It has been a number of months since you graciously afforded me the opportunity to visit with you in your office about the O'Neill Project here in Nebraska.

I have seen a copy of a letter, dated July 13, 1982, from a colleague of mine—Senator Don Wesely who is an opponent of the O'Neill Project and who has inevitably stated "this year the Unicameral tried but failed to pass a formal resolution in support of the O'Neill Unit. This is the first time such a resolution was effectively blocked. The significance is obvious. It is abundantly clear that the vast majority of Nebraskans no longer support the project."

Senator John DeCamp did not, out of consideration for the serious budget problems which demanded the major portion of our legislative time, attempt to pass the resolution during the 1982 legislative session. There is no doubt in my mind that if he had tried, the resolution would have passed.

Senator Wesely represents the thinking of a small minority of individuals here in Nebraska who are opposed to water storage projects. His thinking is in direct contrast to the thinking of the vast majority of Nebraska citizens. Your colleague and our own Congresswoman Virginia Smith is the single best authority from this state as to the true feelings of Nebraskans on the O'Neill Project. I and most of my colleagues support her wholeheartedly.

We are deeply grateful to you for the support and assistance you have given her on this project which is of vital importance to Nebraska citizens on this issue.

With every best wish, I remain. . .

Sincerely,

Senator LORAN SCHMIT,
CHAIRMAN, COMMITTEE ON
Agriculture and Environment.

Mr. BEVILL. Mr. Chairman, I yield such time as he may consume to my friend and colleague, the gentleman from Florida (Mr. GIBBONS).

Mr. BEVILL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. MYERS) the ranking minority member of the appropriations subcommittee.

Mr. MYERS. I thank my chairman for yielding this 1 minute and I will try not to use all of it. I guess everyone says that and few really mean it.

I rise in opposition to this amendment. I shall not speak for the merits of the project. Many people have already addressed that, particularly the gentlewoman from Nebraska who knows this project better than anyone else in this Chamber this afternoon and has done an excellent job in presenting the merits.

The one thing that concerns me is our friend from Michigan I think has gone much further, by reading his amendment here, than he really intends. Chairman BEVILL has spoken of this.

None of the funds appropriated by this joint resolution or by any other Act shall be available for any activity relative to the construction of any irrigation program.

There are no funds in this bill for this project. That is the reason the gentleman had to go beyond this bill. In any other act this particular amendment would be ruled out of order or in any other appropriation, but because the rule provided for it, it has been brought up this afternoon.

But this would deny, as the chairman has said, due process.

This is now in litigation and by denying funds we deny due process. I do not think anyone wants to vote for that.

Mr. BEVILL. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Chairman, I rise in support of the Bonior amendment.

Mr. BONIOR of Michigan. Mr. Chairman, I yield myself 1 minute just to clarify the remarks that were made by my distinguished chairman of the subcommittee and the gentleman from Indiana (Mr. MYERS).

What we are dealing with here is a continuing resolution and there indeed is money in the continuing resolution for this project because it refers in the energy and water part of the bill to fiscal year 1982 levels. So let us be clear on that.

Second, it has been suggested to me by others that I not stick my nose into other people's districts. My response to that, and I say this with a very kind

heart, is that I will stick my nose anywhere in this country where my taxpayers have to pay for projects. They have a right and they demand that I stick my nose into those particular situations.

□ 1830

Third, if I could I would just like to point out to my colleagues that I did come to the committee—the last time I came to the committee I asked them to deauthorize two projects in my own district and they are still there. That is why we have to come to the floor in such unusual situations to address perhaps one of the biggest boondoggles in this bill.

Mr. Chairman, I yield 2 minutes to my distinguished colleague from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I think it is important that we understand exactly what we are attempting to do here.

First of all, I have the greatest regard for my friend from Nebraska. I have been to the committee. I have talked to my friend from Nebraska. I happen to believe that we have a duty to determine how taxpayers' money is best spent. I believe that is the duty that we have. And the gentleman from Michigan is right. We are going to vote now as to whether we should go ahead with this project or whether we should not go ahead with this project.

We should understand several things. It is said that 90 percent of the money will be paid back. It will be, but not by the irrigators. It will be paid back by users of power and this project generates absolutely no power. The irrigators will pay back 13 percent of the amount of the cost of this. This project will cost some \$368 million to irrigate less than 300 Nebraska farms—more than a million dollars per farm. It will cost \$4,500 per acre to increase the value of that land by less than \$1,000. Does that make any sense at all in expenditures of taxpayers' money?

The purpose of this irrigation is to enable farmers to grow more corn. Mr. Chairman, our problem today is we have too much corn and too much other grain. We are paying farmers to destroy their corn, and taxpayers are paying billions of dollars to store our bulging surplus. Does it make any sense at all to anyone in this Chamber to say that we should spend hundreds of millions of dollars in order to grow more corn and then turn around and pay those same farmers millions and millions of dollars not to grow corn in our society?

Mr. Chairman, this project never did make sense. It makes less sense today. I do not believe we should spend money we do not have to produce corn and other crops that we do not need. Being a long-time opponent of this project, I am pleased to associate myself with this effort.

There are few decisions we must make that are so black and white and few issues where the evidence falls so overwhelmingly on one side. With annual deficits of \$175 billion facing the Nation nothing should be so privileged as to be sacrosanct from the detailed scrutiny necessary to assure fiscal responsibility.

The O'Neill project involves the construction of a dam on the environmentally unique Niobrara River and a 28-mile diversion canal to deliver water to 77,000 acres of land, half of which is already irrigated through private development. Providing irrigation to these 77,000 acres, however, would require inundating 30,000 acres. Only 12 percent of the acreage to be irrigated is class I farmland—land to which irrigation poses only minimal hazards. Nearly one-third is class III land which contains soil that has only marginal ability to hold water, meaning that irrigation water may pass right through the soil, carrying contaminants with it to the ground water below.

The cost of the project has again skyrocketed, this year by over \$30 million from fiscal year 1982 to \$368 million in fiscal year 1983, which means a taxpayer outlay of more than \$1.2 million for each of the less than 1 percent of Nebraska's farms that would benefit from the project. The present projected cost of O'Neill is \$4,535 per acre, up from \$4,130. It is estimated that the market value of the land will increase by much less than \$1,000 per acre. Does it really make sense, Mr. Chairman, for us to spend \$368 million of taxpayers' money to irrigate 300 farms and increase the value of the land by far less than 25 cents for every dollar spent?

I would hope that these illuminating figures are enough to convince my colleagues of the necessity for this amendment. There are, however, several important developments that need attention as well.

First and foremost concerns the justification for the project. The major purpose of the project is to provide water for corn production precisely at the same time as Agriculture Secretary Block is desperately attempting to control oversupply and stimulate weak demand. To worsen this bleak situation, the Bureau of Reclamation noted in its project data sheet for this year that "a higher proportion of corn is expected with application of project water." Finally, to add insult to injury and heighten the sheer folly of the need for this project, I call attention to an article in the Omaha World-Herald on August 24. The headline reads "Farmers Destroy 400,000 Acres of Corn." These Nebraska farmers were forced to destroy this corn in order to comply with the administration's set-aside program aimed at re-

ducing the flood of corn the market is drowning in. And according to ASCS, farmers in my State of Iowa had to destroy 554,000 acres during this time in order to comply.

Mr. Chairman, needless to say, our midwest agricultural economy is devastated. Not since the Great Depression have conditions and future prospects been so dismal, and yet the Interior Department is proposing to spend Federal money we do not have to produce more and more corn we do not need. Funding the O'Neill project distorts the market forces of supply and demand by exacerbating our problems with excessive supply. It also gives an unfair advantage to the less than 1 percent of Nebraska's farms that would receive this heavily subsidized water. The other 99 percent must complete without this substantial advantage.

Second and perhaps equally important, there is no consensus on this project. Intense and organized opposition exists both within the project area and around the State of Nebraska. Additionally, our colleague Doug BERUTER conducted a poll in his district and found that only 17 percent favored the project while a majority of 54 percent were opposed.

Mr. Chairman, it is clear to me, and I hope to our colleagues as well, that the O'Neill project is an expensive, unwarranted, and unneeded pork barrel boondoggle. I strongly believe that we must not allow the expenditure of funds for this project during these times of massive budget deficits, especially when no consensus of opinion exists in support of it.

I commend Messrs. BONIOR and EVANS for this worthy and needed amendment, and I urge its adoption.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. Mr. Chairman, I rise not only in opposition to this amendment but to simply point out that regardless of the merits of the matter before us today, to wake up and see that your constituency is blindsided by a rule that talks about the authorizing language that would not ordinarily belong in an appropriating measure is wrong. It is bad precedent. For that very reason I say let the courts decide, as it is scheduled to be decided in March of next year, and I urge the Members with all due respect to vote this amendment down.

Mr. BEVILL. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition to the amendment and associate myself with the remarks of the gentleman from Nebraska.

Mr. BEVILL. Mr. Chairman, I yield the balance of the time on this side to

the chairman, the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, this is an example of what your committee was up against in this whole continuing resolution. I do not believe there is a controversy on the Hill on which one side or the other did not try to get us to enlist the Congress on their side of the argument. This matter is in court. And I think to form the policy of interfering where the controversy is in court would be all out of order.

With all due deference to the feelings of our friends, that is what courts are for and we should not enlist this Congress on either side of this issue.

So I hope the amendment is defeated.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I oppose the amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. BONIOR).

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

Mr. BONIOR of Michigan. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

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

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1840

QUORUM CALL VACATED

The CHAIRMAN pro tempore. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Michigan (Mr. BONIOR) for a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 245, noes 144, not voting 44, as follows:

[Roll No. 448]

AYES—245

Anderson	Ashbrook	Barnard
Annunzio	Aspin	Barnes
Anthony	Atkinson	Bedell
Applegate	AuCoin	Bereuter
Archer	Bailey (MO)	Blaggi

Bingham	Glickman	Nowak
Billiey	Gonzalez	Oberstar
Boland	Gradison	Obey
Bonior	Gramm	Ottinger
Bonker	Gray	Panetta
Brinkley	Green	Patterson
Brodhead	Grisham	Paul
Brown (CA)	Guarini	Pease
Broyhill	Gunderson	Petri
Byron	Hall (OH)	Peyster
Campbell	Hall, Ralph	Porter
Carman	Hamilton	Pritchard
Clay	Hance	Rangel
Clinger	Harkin	Ratchford
Coats	Hartnett	Reuss
Coelho	Hawkins	Rinaldo
Collins (IL)	Hefner	Ritter
Collins (TX)	Heftel	Rodino
Conable	Hertel	Roemer
Conte	Hiler	Rosenthal
Corcoran	Hillis	Rostenkowski
Coughlin	Horton	Roth
Courter	Howard	Roukema
Craig	Hoyer	Roybal
Crane, Daniel	Huckaby	Russo
Crane, Phillip	Hughes	Sabo
Crockett	Hunter	Santini
D'Amours	Hutto	Savage
Daniel, R. W.	Hyde	Sawyer
Dannemeyer	Jacobs	Scheuer
Daschle	Jeffries	Schneider
Dellums	Jenkins	Schroeder
Derrick	Jones (OK)	Schumer
Dicks	Kastenmeier	Selberling
Dingell	Kennelly	Sensenbrenner
Dornan	Kildee	Shamansky
Dougherty	Lagomarsino	Shannon
Downey	Lantos	Sharp
Dreier	LeBoutillier	Shaw
Dunn	Lee	Shumway
Dwyer	Leland	Siljander
Dymally	Levit	Simon
Early	Long (MD)	Smith (NJ)
Eckart	Lowry (WA)	Solarz
Edgar	Lukens	Solomon
Edwards (CA)	Lundine	St Germain
Emery	Lungren	Stokes
English	Markey	Stratton
Erdahl	Martin (IL)	Studds
Erlenborn	Martin (NY)	Swift
Ertel	Matsui	Synar
Evans (DE)	Mavroules	Tauke
Evans (IN)	McClory	Tauzin
Fascell	McCloskey	Traxler
Fazio	McCollum	Trible
Fenwick	McCurdy	Udall
Ferraro	McDade	Vander Jagt
Fields	McDonald	Vento
Findley	McGrath	Volkmer
Fish	McHugh	Walgren
Fithian	Mica	Walker
Florio	Mikulski	Washington
Foglietta	Miller (CA)	Waxman
Ford (MI)	Mineta	Weaver
Ford (TN)	Minish	Weber (MN)
Forsythe	Mitchell (MD)	Weber (OH)
Fowler	Moakley	Weiss
Frank	Moffett	Whitehurst
Frenzel	Molinar	Williams (MT)
Frost	Moore	Wirth
Fuqua	Moorhead	Wolf
Garcia	Mottl	Wolpe
Gejdenson	Murphy	Wortley
Gephardt	Murtha	Wyden
Gilman	Neal	Yates
Gingrich	Nelligan	Yatron
Ginn	Nelson	

NOES—144

Addabbo	Breaux	Davis
Akaka	Brooks	de la Garza
Albosta	Broomfield	Dickinson
Alexander	Brown (CO)	Donnelly
Andrews	Brown (OH)	Dorgan
Badham	Burgener	Dowdy
Bafalis	Butler	Duncan
Bailey (PA)	Carney	Dyson
Benedict	Chappell	Edwards (AL)
Bennett	Cheney	Edwards (OK)
Bethune	Clausen	Emerson
Bevill	Coleman	Evans (IA)
Boggs	Coyne, James	Fiedler
Boner	Coyne, William	Flippo
Bouquard	Daniel, Dan	Foley
Bowen	Daub	Fountain

Gaydos	Madigan	Rousselot
Gibbons	Marlenee	Rudd
Goodling	Marriott	Shelby
Gore	Martin (NC)	Skeen
Gregg	Martinez	Skelton
Hall (IN)	Mazzoli	Smith (AL)
Hall, Sam	McEwen	Smith (IA)
Hammerschmidt	McKinney	Smith (NE)
Hansen (ID)	Michel	Smith (OR)
Hansen (UT)	Miller (OH)	Snowe
Hatcher	Mollohan	Snyder
Heckler	Montgomery	Spence
Hendon	Morrison	Stangeland
Hightower	Myers	Staton
Holt	Napier	Stenholm
Hopkins	Natcher	Stump
Hubbard	Nichols	Taylor
Jones (NC)	Oakar	Thomas
Jones (TN)	Parris	Wampler
Kazen	Patman	Watkins
Kogovsek	Pepper	White
Kramer	Perkins	Whitley
Latta	Pickle	Whittaker
Leath	Pursell	Whitten
Lent	Quillen	Williams (OH)
Lewis	Rahall	Wilson
Livingston	Regula	Wright
Loeffler	Roberts (KS)	Wyllie
Long (LA)	Roberts (SD)	Young (AK)
Lott	Robinson	Young (FL)
Lowery (CA)	Rogers	Young (MO)
Lujan	Rose	Zablocki

NOT VOTING—44

Beard	Goldwater	O'Brien
Beilenson	Hagedorn	Oxley
Blanchard	Holland	Pashayan
Bolling	Hollenbeck	Price
Burton, John	Ireland	Railsback
Burton, Phillip	Jeffords	Rhodes
Chapple	Johnston	Roe
Chisholm	Kemp	Schulze
Conyers	Kindness	Schuster
Deckard	LaFalce	Smith (PA)
DeNardis	Leach	Stanton
Derwinski	Lehman	Stark
Dixon	Marks	Winn
Evans (GA)	Mattox	Zeferetti
Fary	Mitchell (NY)	

□ 1850

Mrs. SNOWE and Mr. HANSEN of Idaho changed their votes from "aye" to "no."

Messrs. DOUGHERTY, BIAGGI, BARNARD, and COLLINS of Texas changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment which was made in order by the rule and duly printed in the CONGRESSIONAL RECORD.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 10, in line 3, after "1982" insert: "Provided further, That no appropriation, fund or authority made available by this joint resolution or any other Act shall be used for construction of the Garrison Diversion Unit in North Dakota".

The CHAIRMAN pro tempore (Mr. MITCHELL of Maryland). Pursuant to the rule, the gentleman from Massachusetts (Mr. CONTE) will be recognized for 15 minutes, and a Member opposed to said amendment will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

□ 1900

Mr. Chairman, I rise in support of my amendment to stop wasting taxpayers' dollars on the Garrison diversion unit in North Dakota. This kind of Federal boondoggle would have been stopped long ago by commonsense alone, were it not for the fact that in the arena of pork barrel politics, commonsense is often the least common of all the senses.

The Garrison project is a continuing threat to Canadian interests. As this map illustrates, the Garrison project meanders back and forth across the divide between the Missouri River drainage basin, which drains to the south, and the Hudson Bay drainage basin, which drains north into Canada. Seventy-nine percent of the project is north of the divide.

According to the report of the International Joint Commission, which was assigned to investigate Canadian concerns about Garrison pollution of Canadian waters, the Garrison project "would cause significant injury to health and property in Canada as a result of adverse impacts on the water quality and on some of the more important biological resources in Manitoba." There would be increased phosphate and nitrate runoff pollution in the Red and Souris Rivers, and the introduction of American rough fish into Canadian waters. Scientists estimate that once introduced into the Canadian watershed, these fish could absolutely devastate Manitoban commercial and sport fishing in Lake Winnipeg.

The proponents of this project claim that Canadian concerns have been dealt with by moving forward only with phase 1, which includes features only in the Missouri River basin watershed. This is not true.

A number of technical features that are necessary to prevent the transfer of harmful American fish and irrigation pollutants into Canadian waters, such as fish screens and sand filters, have yet to be perfected. In addition, the Bureau of Reclamation has indicated that a proposed siphon that would carry the new Rockford Canal under the Sheyenne River near Devils Lake could, through seepage and routine cleaning and maintenance, result in the transfer of American rough fish to Canadian waters.

Mr. Chairman, at this point I would like to insert letters from the Canadian Ambassador and the premier of Manitoba regarding this project.

CANADIAN EMBASSY,

Washington, D.C., November 29, 1982.

Hon. SILVIO CONTE,
House of Representatives, Rayburn House
Office Building, Washington, D.C.

DEAR MR. CONTE: The Premier of the Province of Manitoba, the Honourable Howard Pawley, has asked me to bring to your attention the attached letter which sets out the Province's concern about funds

being appropriated for the Garrison water diversion project in fiscal year 1983.

The Government of Canada shares Manitoba's concern. We continue to have apprehensions about the project's potentially adverse transboundary effects as identified by the International Joint Commission. The Commission concluded that the project as now designed would have seriously damaging effects on Manitoba waters in violation of the Boundary Waters Treaty between Canada and the United States.

We deeply appreciate the recognition of Canadian concerns by Congress in previous Garrison appropriation votes in stipulating that funds be spent only on portions of the project not affecting Canada. At the same time, we see danger in continuing construction momentum in the absence of project redesign that would avoid water flows into Canada. I would be grateful if you would bear these Canadian concerns in mind in your forthcoming deliberations on the Garrison Diversion appropriation.

Yours sincerely,

ALLAN GOTTLIEB,
Ambassador.

THE PREMIER OF MANITOBA,
Winnipeg, November 29, 1982.

Mr. SILVIO O. CONTE,
House of Representatives, Rayburn Building,
Washington, D.C.

DEAR REPRESENTATIVE CONTE: The House of Representatives will be voting soon on the 1983 Energy and Water Development Bill which contains a \$4 million appropriation for construction of the Garrison Diversion Project in North Dakota. The Manitoba government is opposed to the appropriation of additional funds for this project before the outstanding issues between Canada and the United States are resolved in accordance with the Boundary Water Treaty.

In June of this year, a Canadian Parliamentary delegation, composed of representatives of both the federal and Manitoba governments and the country's three major political parties, met with members of the House of Representatives. During those meetings, the delegation stated that the inter-basin transfer of water could have a disastrous impact on Manitoba by reducing water quality and destroying the province's multi-million dollar fishing industry. These concerns have been supported by the findings of the studies conducted by the International Joint Commission.

Additional funding for the project at this time would increase momentum toward completion of a project inconsistent with both the treaty signed by our two countries and formal U.S. government assurances that bilateral issues would be resolved before construction proceeds on project features which could affect Manitoba. For these reasons, I urge you not to support additional funding for Garrison at this time so that the project may be redesigned to meet the needs of North Dakotans for water and to eliminate the risk that inter-basin transfer of water creates for Manitobans.

Yours sincerely,

HOWARD PAWLEY.

Mr. Chairman, even if phase I of the Garrison project does not violate our treaty with Canada, the project is still economically absurd. Phase I would require the construction of nearly all Garrison unit reservoirs and pumping stations and 67 percent of the 258

miles of canals, but will irrigate only 34 percent of the original 250,000 acres of land. This would bring the estimated benefit-to-cost ratio down to 0.92 to 1 using a 3.125-percent interest rate. With a more realistic 7.625-percent interest rate, the benefit/cost ratio drops to 0.43 to 1.

This type of nonreturn on the taxpayers' investment is even more outrageous when you consider that the total authorized project cost of \$207 million in 1965 has now escalated to over a billion dollars.

Finally, Mr. Chairman, this project would result in the greatest single unit loss of prairie wetlands in North Dakota history—over 70,000 acres of prime prairie waterfowl marshes. It would destroy or damage 13 national wildlife refuge areas, and severely hamper North Dakota's status as the producer of more ducks annually than any State except Alaska. The proponents of this project claim that mitigation efforts are underway, but in fact, Mr. Chairman, the Federal-State Committee created to come up with a migratory waterfowl mitigation plan will not even issue its report until December 30 the end of this year.

Mr. Chairman, this project is only 15 percent complete—only the McCluskey Canal, shown in green on this map, has been finished. The time to stop this travesty is now—before we sink another dime into it. This amendment is endorsed by the Wildlife Management Institute, the National Audubon Society, the National Taxpayers Union, the Coalition for Water Project Review, the Environmental Policy Center, Friends of the Earth, the National Wildlife Federation, the Natural Resources Defense Council and the Sierra Club. I ask that correspondence from these organizations be included in the RECORD, and urge the adoption of this amendment.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C. December 6, 1982.

DEAR CONGRESSMAN: We understand the House of Representatives soon will take up the fiscal year 1983 Energy and Water Appropriations bill. Among the items to be considered will be an amendment by Mr. Conte to delete funding for the Garrison Diversion Project in North Dakota. That amendment deserves your careful attention.

It is estimated that this Bureau of Reclamation project ultimately will cost taxpayers over \$1 billion. In addition, there are a number of project costs beyond dollar expression, such as its devastating impacts on fish, wildlife and their habitats. Adverse impacts that should be prevented include—

Garrison will destroy some 70,000 acres of prime wetlands in the State of North Dakota and will degrade or destroy 12 national wildlife refuges—all located in the Central Flyway for migratory birds. Substantial numbers of migratory birds are produced annually in North Dakota, including more ducks than in any other state except Alaska. Garrison will remove prime habitat migratory birds depend on for food, reproduction and survival.

The interbasin transfer of water (from the Missouri River basin to the Hudson Bay watershed) could destroy more than half of the fishery in Manitoba. The International Joint Commission has concluded that the Garrison project would violate the Boundary Waters Treaty between the U.S. and Canada.

Despite these anticipated adverse impacts on national and international resources, plans and actions to avoid the losses or replace the economic resources have been inadequate or lacking. The Department of the Interior at one time concluded that approximately 146,000 acres were needed to replace wildlife habitat losses caused by the project and questioned if that acreage was adequate. To date, only about 8,000 acres have been set aside to replace project-induced losses. There are no plans to add more acreage at this time, even though project construction is moving forward.

We understand the Department of the Interior is working on a re-evaluation of the Garrison project. A revised plan to prevent and compensate for project-induced habitat losses is to be released before the end of 1982. It is obvious that a revised plan is needed.

In view of the inadequate Garrison Diversion Project plans, it is believed that Mr. Conte's proposed amendment deserves support.

Sincerely,

DANIEL A. POOLE,
President.

COALITION FOR
WATER PROJECT REVIEW,
Washington, D.C., November 29, 1982.

Hon. SILVIO CONTE,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE CONTE: The House will soon consider the FY83 Energy and Water Appropriations bill (H.R. 7145). When it does, Congressman Conte will offer an amendment to delete funding for the Garrison Diversion project, a Bureau of Reclamation project in North Dakota. You supported Congressman Conte in a similar effort last year and we strongly urge you to support him again in his effort to halt further spending on the Garrison project until the massive environmental, international and economic problems created by the project are resolved.

In September of this year when it appeared possible that the Energy and Water Appropriations bill might be considered by the full House, several of us wrote you about our specific objections to the project. Copies of letters from the National Wildlife Federation, the National Audubon Society, and the Sierra Club are attached. (Also attached for your information is correspondence from Canada's Ambassador to the United States and the Premier of Manitoba to Members of the House Appropriations Committee expressing Canada's concerns about the project.) We will be happy to supply further information about the project if you so desire.

We'd like to express our thanks to you for voting to cut funding for the Garrison project last year. We look forward to your support again of the Conte amendment to delete funding for Garrison.

Brent Blackwelder, Environmental Policy Center; Dave Conrad, Friends of the Earth; Charlene Dougherty National Audubon Society; Ed Osann, National Wildlife Federation; Greg Thomas, Natural Resources Defense Council; and Jim Elder, Sierra Club.

SIERRA CLUB,

Washington, D.C., September 13, 1982.

DEAR REPRESENTATIVE: On behalf of the membership of the Sierra Club, I am writing to urge your support for an amendment Congressman Conte will offer to the FY83 Energy and Water Appropriations bill to delete funding for the Garrison Diversion Project, a Bureau of Reclamation irrigation project in North Dakota. I understand this bill may reach the House floor for consideration in the near future.

The Garrison Diversion project should not receive further funding unless or until the massive environmental and other problems associated with it are resolved. In this time of economic stress and competing priorities for the allocation of the increasingly scarce federal monies, there cannot be any justification to spend federal funds—no matter how little—on a project such as Garrison.

The Garrison project, as authorized by the Congress in 1965, is designed to irrigate 250,000 acres (6/10ths of 1 percent of the agricultural land) in North Dakota. The Bureau of Reclamation estimates the total cost for the project at just over one billion dollars—a five-fold increase from the original 1965 estimate of \$207 million dollars. The Bureau's data show that the federal investment per irrigated acre is \$3753, while repayment by the beneficiary is set at \$77 per acre. This strikes us as an unconscionable expenditure of federal funds.

The project's "benefits" are quite questionable as well. One of the cited benefits, for example, is that of wildlife enhancement. In reality, the project will have a devastating and deadly effect on wildlife. Presently North Dakota, with its many shallow lakes and prairie wetlands, is one of this nation's more productive wildlife areas. The variety of its waterfowl—geese, ducks, shore birds, and others—is enormous and rich. The wildlife refuges and wetlands located there, besides providing important breeding and nesting areas, are also located on the Central Flyway for North American birds. The Garrison project will adversely affect North Dakota's rich wildlife habitat. It will damage or destroy 12 National Wildlife Refuges and result in the loss of a substantial amount of wetlands acreage in North Dakota—all important habitat for wildlife. Furthermore, virtually nothing is being done to mitigate these wildlife losses.

The project will inflict substantial environmental damage on Canada as well. The International Joint Commission, which investigated the impacts Garrison will have on Canada, determined the project will have significant adverse impacts on Canada's water resources and will violate the Boundary Waters Treaty between the U.S. and Canada. For example, as the project transfers water from the Missouri River Basin across the Continental Divide and into the Hudson Bay Watershed, new and different biota and rough fish will be introduced into Canadian waters. It is estimated that this will result in a loss of 50 to 70 percent of Manitoba's commercial fishery.

There are many other adverse consequences of the Garrison project. But, there is time to take corrective action because much of the damage has not yet occurred. The project is only 15 percent complete. Before allowing construction to gain further momentum, this is an ideal time to halt funding and to determine if there are less damaging alternatives to the authorized project. I would urge Congress to conduct hearings on the present project and request

that alternative courses of action be developed by an objective body before any more federal dollars are wasted on Garrison. With such information at hand, Congress could then determine, what, if any, project should be built.

I would be happy to discuss the project with you further or provide additional information. Thank you for taking our views into consideration.

Sincerely,

JIM ELDER,
Washington Representative.

NATIONAL AUDUBON SOCIETY,

Washington, D.C., September 13, 1982.

DEAR REPRESENTATIVE: The Energy and Water Appropriations bill will be on the House floor in the very near future. Congressman Conte will offer an amendment to that bill to delete fiscal year 1983 funding for the Garrison Diversion unit, a Bureau of Reclamation project in North Dakota. You supported Congressman Conte in a similar effort in July, 1981. On behalf of the nearly one-half million members of the National Audubon Society, I urge you to vote once again in favor of cutting funding for this project.

In the event the energy and water appropriations bill is incorporated into a continuing resolution, we urge you to press for a rule permitting separate votes to be taken on the question of funding certain controversial projects. Several projects, including Garrison, slated for funding in the energy and water appropriations bill have been the subject of very close House floor votes in past years. On such issues where a sizeable segment of the House opposes further funding, we believe it is important, indeed critical, that separate votes be taken. We hope you agree and that you will work to ensure that separate votes are permitted.

Returning to the issue of the Garrison Diversion project, I'd like to point out just a few of the reasons to oppose the project:

If built as authorized, the project will damage or destroy 12 National Wildlife Refuges and will result in the loss of 70,000 acres of prime waterfowl marshes, thereby causing a devastating impact on North Dakota's rich and productive wildlife. (North Dakota produces more ducks annually than any other state except Alaska; its wetlands and refuges are extremely important to migratory birds as well.)

Costs of the project have quintupled since its authorization in 1965 to \$1.018 billion, while its cost ratio has dropped. Intended as an irrigation project, 220,000 acres will be taken in order to irrigate 250,000 acres (only 6/10 of 1 percent of North Dakota agricultural land). The federal investment per acre amounts to \$3,753 per acre with repayment by the farm beneficiary set at \$77 per acre.

If built as authorized, the project will have significant adverse impacts on Canada, including possible destruction of 50-70 percent of Manitoba's commercial fisheries.

The International Joint Commission has determined that the authorized project will violate the Boundary Waters Treaty between the United States and Canada.

Project impacts downstream have not been adequately evaluated and concern over such impacts has caused a group of South Dakota landowners to go to court to demand that these impacts be studied and disclosed before construction continues. (Construction, however, is proceeding pending resolution of the court case.)

I also have great concern about what is now being constructed in North Dakota.

The United States has from time to time assured Canada that the U.S. will not build a project which potentially affects Canada's waters. Since nearly 80 percent of the authorized project will affect Canadian waters, I am puzzled about what the Bureau of Reclamation is now building and what the Bureau expects it will be allowed to complete. If the Bureau does not expect to build the entire authorized project because of the potential harm to Canada, then it should so inform the Congress. Such a major shift from the original project to a different, much smaller project with new costs, unevaluated impacts, and different benefits should not be permitted without review and authorization by Congress.

Although authorized in 1965, Garrison is only 15 percent complete. Since its authorization, massive problems—environmental, international and economic—have come to light. Before compounding these problems with further construction, we believe that environmentally, economically and internationally sound alternatives to the existing project should be developed and that Congress should have the opportunity to examine and authorize, if it chooses, an alternative project.

I could list many more reasons why Garrison should not be funded. You have probably heard most of the reasons, but if you would like more information, please contact me or my Washington office (547-9009).

I urge you to continue to actively oppose further funding for the Garrison project and to do what you can to ensure that a review of the existing project and a complete and objective analysis of alternatives to the existing project are undertaken.

Sincerely,

RUSSELL W. PETERSON,
President.

NATIONAL WILDLIFE FEDERATION,

Washington, D.C., September 24, 1982.

DEAR REPRESENTATIVE: When the House considers the Energy and Water Development Appropriations bill for Fiscal 1983, Representative Conte will offer an amendment to delete four million dollars in new construction funds for the Garrison Diversion Unit in North Dakota. The National Wildlife Federation urges you to support this amendment.

There are several reasons why the Congress should reject Secretary Watt's request for \$4 million for Fiscal 1983, and any additional construction funds that may be sought for the Garrison project as currently authorized.

The Bureau of Reclamation, and the State of North Dakota, are seeking to build this controversial project in "phases," preferring to deal with unsolved problems such as the impacts on Canadian watersheds and the enormous fish and wildlife mitigation requirements after much of the project is built and hundreds of millions of dollars have been spent;

The Bureau of Reclamation, and the local project sponsor, have refused to replace wildlife habitat lost to the project concurrently with project construction;

At \$1.15 billion, the Garrison project is one of the most expensive projects in the entire Reclamation program, and funds for other necessary programs and projects important to the wildlife resources of the nation are proposed for reduction this year.

The Garrison Diversion is plagued with many problems—international, economic, and environmental. One of the most critical of these problems is the project's effect on

twelve National Wildlife Refuges—all located on the Central Flyway for migratory birds. North Dakota produces more ducks than any other state in the Lower 48. The health and viability of these populations are dependent on the Wildlife Refuges and the food and habitat that they provide. The Garrison Diversion Unit would destroy 70,000 acres of prime waterfowl marshes and destroy or damage these 12 crucial Wildlife Refuges.

The environmental impacts on the National Wildlife Refuges would be reason enough to examine the Garrison Diversion Unit more closely before appropriating more funds. But when the project's international impacts and economic shortcomings are also considered, your action to support the Conte amendment to strike new construction funds for the Garrison Diversion Unit becomes all the more critical.

Sincerely,

JAY D. HAIR,
Executive Vice President.

NATIONAL WILDLIFE REFUGES ADVERSELY
AFFECTED BY GARRISON DIVERSION PROJECT

Audubon NWR established 1956, includes 14,735 acres to provide waterfowl production and migration habitat. Garrison Impact: 4,174 acres of upland and 490 acres of wetland inundated, reducing nesting islands from 196 to 148. Pronghorn antelope herd eliminated.

Sheyenne Lake NWR established 1935, includes 799 acres water and 210 acres of uplands, to provide waterfowl production and migration habitat. Garrison Impact: to be totally inundated by the proposed Lonetree Reservoir.

Arrowwood NWR established 1935, includes 15,934 acres, to provide waterfowl production and migration habitat. Garrison Impact: to receive nearly a 3-fold increase in James River flows through the refuge, precluding drawdown management for wildlife food production.

J. Clark Salyer NWR established 1935, includes 58,748 acres, to provide waterfowl production and migration habitat. Garrison Impact: to receive increased flows of low quality water in the Souris River through the refuge, possibly carrying carp into the managed pools of the refuge, resulting in destruction of aquatic habitat.

Tewaukon NWR established 1934 includes 8,156 acres, to provide waterfowl production and migration habitat. Garrison Impact: to receive nearly a 2-fold increase in Wild Rice River flows through the refuge, precluding drawdown management for wildlife food production and introducing carp to managed pools.

Upper Souris NWR established 1935, includes 32,085 acres, to provide waterfowl production and migration habitat. Garrison Impact: possible carp introduction resulting in destruction of aquatic habitat.

Sand Lake NWR, South Dakota, established 1935, includes 21,450 acres, to provide waterfowl production and migration habitat. Garrison Impact: reduced summer flows of James River through the refuge, while receiving increased fall and winter flows of low quality water from irrigation drainage. Winter flows may promote overwintering concentrations of migratory waterfowl, resulting in disease and high mortality.

Des Lacs NWR established 1935, includes 18,841 acres, to provide waterfowl production and migration habitat. Garrison Impact: possible carp introduction resulting in destruction of aquatic habitat.

Lake Alice NWR established 1935, includes 7,539 acres, to provide waterfowl production and migration habitat. Garrison Impact: winter flows may induce overwintering of waterfowl, resulting in disease and high mortality.

Dakota Lake NWR established 1939, includes 800 acres water and 3,100 acres of upland, to provide waterfowl migration habitat. Garrison Impacts: winter flows may induce overwintering of waterfowl, resulting in disease and high mortality.

Wild Rice Lake NWR established 1936, includes 778 acres, to provide waterfowl migration habitat. Garrison Impacts: increased flows of low quality water in the Wild Rice River through the refuge.

Lake Nettie NWR established 1939, includes 2,895 acres, to provide waterfowl production and migration habitat. Garrison Impacts: increased water table from the project has reduced the drying and regeneration of wetland habitat, reducing its value for waterfowl production.

Except where noted, all refuges are located in North Dakota.

SEPTEMBER 10, 1982.

U.S. House of Representatives:

Until the outstanding bilateral issues are resolved, the Manitoba government is strongly opposed to further funding for portions of the Garrison Diversion Unit potentially affecting this Province. As both the Canadian Parliamentary Delegation and citizen sponsored delegations stated during their recent meetings with Members of the U.S. Congress, the interbasin transfer of water could have a disastrous impact on the Province by reducing water quality and destroying the fishery. Additional funding at this time would only increase momentum toward completion of the project in a manner inconsistent with the international boundary waters treaty and formal U.S. Government assurances to Canada that bilateral issues would be resolved before construction proceeds on features of the project which could affect Manitoba.

HOWARD PAWLEY,
Premier of the Province of Manitoba.

CANADIAN EMBASSY,

Washington, D.C., September 13, 1982.

HON. JAMIE L. WHITTEN,
House of Representatives,
Washington, D.C.

DEAR MR. WHITTEN: The Premier of Manitoba, the Honorable Howard Pawley, has asked me to ensure that the attached telegram, conveying Manitoba's concern over the prospect of an additional appropriation for the Garrison Diversion Unit, is brought to the attention of all members of the House Appropriations Committee. As you know, it is expected that the Committee will shortly have before it for consideration an additional \$4 million appropriation requested for the Garrison project as part of the Energy and Water Development Appropriations bill for the 1983 fiscal year.

Canada remains seriously concerned over the potential adverse transboundary impacts of the Garrison Diversion project. The basis of Canadian concern relates to the serious and irreversible damage to Manitoba's multi-million dollar freshwater fishery associated with project-related transfers of different kinds of fish species, diseases and parasites from the Missouri River system into the Hudson Bay drainage basin. Numerous scientific studies, including the two-year examination of the project's transboundary impacts carried out by the Inter-

national Joint Commission, have substantiated Canadian concerns, and concluded that the project as now designed would seriously affect Manitoba waters with damaging results, in violation of United States obligations to Canada under the 1909 Boundary Waters Treaty.

In recent meetings between Canadian legislators and members of Congress, and in consultations between Canadian and U.S. officials, Canadian representatives have continued to urge that the project be redesigned so as to eliminate all interbasin transfers of water and associated harmful foreign biota. The Canadian and Manitoba governments remain of the view that, consistent with previous formal United States government assurances to Canada, project features potentially affecting Canada should not be built until the outstanding bilateral issues are satisfactorily resolved.

We deeply appreciate the recognition of Canadian concerns shown in past Garrison appropriations votes by the Congress, in stipulating that additional appropriations be spent only on portions of the project not affecting Canada. Your willingness to bear our concerns in mind in your forthcoming deliberations on the Garrison Diversion appropriation requested this year will be very much appreciated.

Yours sincerely,

ALLAN GOTLIEB,
Ambassador.

NATIONAL TAXPAYERS UNION,

Washington, D.C., September 14, 1982.

DEAR REPRESENTATIVE: In the near future, the Energy and Water Appropriations bill for fiscal year 1983 will be on the House floor for your consideration. On behalf of the National Taxpayers Union, I am writing to urge you to support Congressman Conte's amendment to delete funding for the Garrison Diversion project, a Bureau of Reclamation project in North Dakota.

We strongly object to spending any money at all for the Garrison project until the economic, international, and environmental problems associated with it are resolved. The project is only 15 percent complete. The time to solve these problems is now—before we rush to resume construction of this project as we have done so often with other projects in the past. The Garrison project was stopped in 1977 by Court order, and was lifted last May. Yet, it appears that the Department of the Interior, which is now free to resume construction of Garrison this year, is intent on proceeding with a rapid construction schedule which may cause irreparable environmental harm, violate the Boundary Waters Treaty with Canada, and preclude the orderly development and consideration of economic alternatives to the authorized project which could save millions of taxpayer dollars.

The cost of the Garrison project is rapidly escalating. When authorized in 1965, the Bureau of Reclamation estimated the total cost would be in the neighborhood of \$207 million. Current estimates are over \$1 billion. Garrison, like many other water projects, carries with it a large subsidy to the individual beneficiaries. In this case, the Bureau's own project data sheet shows that the federal cost per irrigated acre to be \$3,753 and the repayment by the beneficiary for each acre is only \$77. This is nothing less than a federal welfare program for large farmers in North Dakota, at the expense of beleaguered taxpayers throughout the country.

The International Joint Commission concluded that the Garrison project, if built as

authorized, would violate the 1909 Boundary Waters Treaty between the United States and Canada. The U.S. State Department has sought to reassure the Canadians that their concerns will be addressed. The Interior Department has stated that they are moving ahead with the project in phases, beginning with an 85,000 acre "first phase." (The authorized project calls for irrigation of 250,000 acres). The Interior Department has further stated that it will not move to the next phase until the concerns of Canada have been met. Since 79 percent of the authorized project will impact upon Canada's waters, it is unlikely that the Bureau will be able to meet Canada's concerns and move on to the next phase. And, if the Bureau knows this—and surely they must—then it should tell the Congress, the taxpayer who is footing the bill and the farmers in North Dakota who will be affected.

As you recall, last year Congress came very close to deleting funds for the project during consideration of the fiscal year 1982 Energy and Water bill. In November, the House overwhelmingly disapproved an attempt by the Senate to order the Department of the Interior to proceed with construction, overruling court orders to the contrary. A group of landowners in South Dakota, concerned about the impact of the Garrison project on the James River and their land, has filed suit. We understand this case is currently pending in court in South Dakota. Canadian citizens, concerned about the potential loss of over half of the commercial fishery in Manitoba as a direct result of the Garrison project, came to Washington several months ago at their own expense to plead for relief. Several farmers from North Dakota have similarly made the long and expensive trek to Washington in an attempt to convince you that they do not want this project.

This year—a year of great economic stress and a time when hard decisions about funding programs must be made—is the time to address the Garrison issue directly. We ask that you not fund this program this year. The Bureau, as late as this spring, had nearly \$9 million in previously appropriated but unexpended funds for Garrison. Instead of rushing ahead with construction, we urge you to call for Congressional hearings to examine alternatives to the Garrison project. And if there is an alternative to the project which meets the economic, environmental, and international problems, then the Congress should subject that alternative to the normal Congressional authorization process.

Sincerely,

LEN RIPPA,
Director of Congressional Affairs.

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

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

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of Mr. CONTE's amendment to delete funding for the Garrison diversion project in North Dakota.

When Congress authorized the project back in 1965, many of the problems now associated with the project were not foreseen. It now appears, however, that the project will cause great harm to the environment both in this country and in Canada.

The Garrison project is of special concern to me because it falls within

the interest areas of the House Interior Committee and the House Foreign Affairs Committee. As a member of both committees, I feel a responsibility to do what I can to see that the problems in the bill are resolved by delaying further funding until a thorough review of the project can be conducted to determine if there are alternatives which might be acceptable.

There are several reasons to oppose continued construction of the Garrison project at this time:

First, Canada opposes construction of Garrison, and I do not feel we should let the project go forward until the concerns of Canada have been fully considered. As you recall, in 1976, the International Joint Commission concluded that the project would be in violation of the Boundary Waters Treaty, which should be sufficient reason for us to disapprove funding the project at this time. But we should also consider the impacts the project will have on our neighbors to the North. The irrigation return flows may well pollute their waters. The interbasin transfer of water from the Missouri River to the Hudson Bay Watershed will most likely result in the introduction of rough fish and foreign biota into Canadian waters. It is estimated that this could lead to the destruction of half or more of the commercial fishing in Manitoba and adversely affect the recreation industry there as well.

Second, aside from the impacts on Canada, I am also concerned about the U.S. environmental impacts of the project. The project will ruin thousands of acres of wetlands which are much-needed habitat for the ducks and other wildfowl in the State as well as for the hundreds of thousands of migratory birds which pass through North Dakota. We have all heard before that the project will harm a dozen national wildlife refuges, which would be a great tragedy.

I also urge you not to lose sight of the fact that Garrison is a billion dollar project, even though the fiscal year 1983 appropriation is only \$4 million. Future funding requests will most likely be much higher, which we cannot easily afford during this time of fiscal constraints.

Today we have an opportunity to halt this project. There is time to sit back and work out the problems associated with Garrison. Let us stop funding for the time being and reconsider the project now while so little damage has been done and so little money has been expended.

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

The CHAIRMAN pro tempore. (Mr. MITCHELL of Maryland). The gentleman from Alabama (Mr. BEVILL) is recognized for 15 minutes.

Mr. BEVILL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman

from North Dakota (Mr. DORGAN).

Mr. DORGAN of North Dakota. Mr. Chairman, I always find the gentleman from Massachusetts entertaining. However, his accuracy does not match his entertainment. On this issue, the fact is the representation by Mr. CONTE with his map of the Garrison diversion unit is sadly deficient. I would like to clear up some of the misimpressions that I think were left on the floor of the House by that presentation.

I was 2 years old, Mr. CONTE, when the Federal Government told North Dakota that it wanted to strike a bargain with North Dakota. The Federal Government said, "We are tired of the flooding down in Kansas City, Mo., and we would like to do something about that."

The Federal Government said, "We would like downstream navigation capabilities on the Missouri. We would like to do something about that."

The Federal Government said, "We would like cheap hydroelectric electricity in that region, and we would like to do something about that. What we want to do is build a dam. We want to flood 550,000 acres of North Dakota good river bottom land," and in exchange for a flood that came and stayed in North Dakota, "You folks in North Dakota are going to get some benefits. We will give you a water diversion unit if you allow that flood, that 550,000-acre flood, to come and stay."

I was 2 years old when they made that promise to North Dakota. Today, on the floor of the House, we are asking for \$4 million. At that rate, it will take 200 years to build that project.

My friend from Massachusetts tells you his facts about the project; the fact is, in the 1940's they promised North Dakota a 1-million acre project. The project that my friend from Massachusetts talked about is a 250,000-acre project. He knows full well that the phase that is now being talked about is only an 85,000-acre project at this point.

Well, I am not willing to let this House forget its promise. I do not think fast shuffles are appropriate in public policy. I think we ought to stick to the commitments and promises that are made to people, and I think we ought to do it based on the facts. It is wrong—wrong to break promises. You promised North Dakota a water diversion program. Where is the justice in coming to the floor of this House with the kind of facts that were represented here, suggesting that we ought to break that commitment?

Let me talk about the facts. The project is going to degrade the environment, my friend from Massachusetts says. That is absolute nonsense. The fact is that a five-member group

with two Federal representatives including a Federal Fish and Wildlife official just finished last Friday a mitigation enhancement program that determined that this project will in fact enhance wild waterfowl environment. The waterfowl habitat will be enhanced, not degraded.

There is not another State in this country that has contributed more to waterfowl enhancement and habitat than North Dakota. We have 5.3 million acres, fee-owned or easement, of wetlands in North Dakota.

I am not sure what the gentleman suggests. Does he want North Dakota to be a 70,000 square mile duck nest? We produce 85 percent of the ducks and geese. We do our job in North Dakota. If we become a national duck nest up there, you are not going to be able to eat spaghetti. What we raise up there is Durum wheat, which produces the semolina flour that gives us spaghetti. The fact is, we have a good integration of a farm economy and wildlife habitat and we have good wetlands that produce a tremendous duck and geese population up there.

□ 1910

This project will not degrade the environment. This project will not degrade the wildlife habitat.

On the cost issue, they say it costs too much. The fact is that the costs are going to be paid largely from the hydroelectric power that is being produced by that dam. That was part of the promise.

They say that the Canadians have some concerns. Not one penny of the \$4 million is going to be used to build any feature of this project that is going to run water into the Hudson Bay drainage, and that is a fact. The cost, the environment, the Canadian issues that have been raised are all absolute nonsense. The issue is commitment.

The 85,000-acre phase I project is something that this Government owes North Dakota. That flood that came in and stayed up there, we accepted that. Now we want a water resource enhancement program that we were promised.

It is environmentally sound, it is cost-effective, and it makes good sense. And we are not going to violate the boundary waters treaty with Canada.

Mr. Chairman, this project can stand on the facts, and the facts are that his project makes sense for North Dakota's future and this project makes sense for this country's future.

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

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Chairman, having talked with the gentleman earlier and having talked to the present

Governor of his State and the prior Governor of his State, I have learned about the fact that the diversion project is almost complete.

Can the gentleman give us some information about how complete it is, what is left to be done, and how much money has been spent so far on this project?

Mr. DORGAN of North Dakota. Mr. Chairman, the diversion project was promised in the 1940's; it was authorized in the mid-1960's. We have worked on portions of the project, including the canals that the gentleman from Massachusetts mentioned. We do have a long way to go, but all along the way we have paid careful attention to environmental concerns.

The CHAIRMAN pro tempore. The time of the gentleman from North Dakota (Mr. DORGAN) has expired.

Mr. BEVILL. Mr. Chairman, I yield 2 additional minutes to the gentleman from North Dakota (Mr. DORGAN).

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

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, I rise in opposition to the amendment deleting funding for the Garrison diversion project and ask my colleagues to maintain funding for this long-promised, cost-effective water resource project. Over the years, I have joined with my colleagues in Minnesota's neighboring State, North Dakota, in strongly supporting this project as a means to harnessing the water from the Missouri River and using it to supplement and enhance rivers and lakes in North Dakota for farm and city use. For example, by completing this long-promised water diversion project, it has been estimated by the Bureau of Reclamation that the State's gross farm economy would be supplemented by \$85.5 million in income annually.

I want to emphasize that none of the \$4 million in this appropriation would effect project water draining into Canada. Rather, this funding would allow construction of various aspects of the project under which all project water would remain in the Missouri River Basin. Moreover, Canada has been assured by the Congress and both State and Interior Departments that the boundary waters treaty will be observed.

In addition to honoring our previous commitments to North Dakota in return for their flooding of 550,000 acres of prime farmland under the 1944 Missouri Flood Control Act, we should approve this project because of its relatively high benefit/cost ratio of 1.3 to 1 in direct benefits and 2.1 to 1 overall. For this reason the project has strong bipartisan support here in the Congress as well as the administration. While my home State of Minnesota will get no direct benefit from this \$4

million appropriation, it is important that we honor our earlier promises and work to provide North Dakota with an adequate water irrigation system.

I urge my colleagues to oppose this amendment.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the Garrison diversion project is about the last of the "Dust Bowl babies" that the Congress is going to be dealing with, and it ought to be reevaluated by the appropriate authorizing committee in the House.

There has got to be a more cost effective way to provide for North Dakota's legitimate water needs. There are some internal contradictions in this project which I would like to touch on, briefly.

Earlier this year, in January to be exact, the Secretary of Agriculture declared set-asides on wheat and feed grains because of overproduction. On the one hand we are paying farmers not to grow crops, and on the other hand, with the Garrison project, we are going to be spending ultimately \$1 billion to create new farmlands, and thereby, subsidize the production of the very crops which the Government is paying millions not to produce.

That does not make a lot of sense.

As to the figures, the Garrison project will cost over \$3,300 an acre, \$810,000 a farm, and fewer than 1,000 farmers will benefit from the project. The irrigators are going to pay back only \$19.3 million over the 50-year lifetime of the project, and electric power generation will pay back \$810 million, 30 percent of which will be paid by consumers in Minnesota, the beneficiaries of this agriculture and power interests are really the beneficiaries of this whole undertaking.

My principal concern, however, has been over its adverse environmental impacts. The International Joint Commission, which has responsibility over boundary waters between the United States and Canada, has repeatedly expressed concern that Garrison would cause water quality problems between the United States and Canada, and that the project would have an adverse environmental impact on Canada and would ultimately be found to be in violation of the United States-Canada Boundary Waters Treaty. Canadians, both at the Federal and Manitoba provincial levels, have very grave concerns that interbasin transfers of fish and biota from North Dakota waters into Canada would cause unknown and potentially far-reaching effects upon Canadian waters. Canadian members of Parliament, members of the Manitoba Provincial Parliament, and Howard

Pawley, Premier of the Province of Manitoba are outspokenly opposed to the continuation of the Garrison diversion project. But apart from that, as one who has been very keenly involved in wetlands preservation for waterfowl production, I find it very disturbing that we will be destroying in this one project more wetlands than we have preserved in the last decade—70,000 acres in one shot. Twelve national wildlife refuges will be lost or damaged in the wake of Garrison; 220,000 acres of dryland farms will be taken, in order to create 250,000 acres of irrigated land, a swamp that has marginal benefit, at best.

On every test, economic, land management, environmental, international relations, Garrison fails. The Conte amendment should be supported by this body. I urge an "aye" vote.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise this evening in support of the Garrison diversion project in North Dakota and in opposition to the amendment to strike the funds for that project.

I recall several years ago that a former Member with whom many of us served, Art Link, who went on to become Governor of North Dakota, was speaking about the commitment that had been made to the people of North Dakota to build this diversion project. And again this evening we hear from the gentleman from North Dakota (Mr. DORGAN), who represents that State and who has done a splendid job in representing its people, and he reminds us again of the commitment of the Federal Government to build this diversion project. In 1944, it was definitely promised to the people of North Dakota for the 500,000 acres of prime farmland that were taken away from the State and flooded to build a reservoir and provide downstream benefits for the cities and the States below the State of North Dakota.

I for one am grateful to the people of North Dakota for honoring their commitment and keeping their promises, and I would hope that all of us this evening would stand up for what is right and keep faith with the commitments that have been made in support of this project.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Chairman, I rise in support of the amendment and in opposition to the project.

I wish that the chairman of our Foreign Affairs Committee were here, along with our ranking member, because there are foreign policy consid-

erations that should enter into the consideration of this project.

There was indeed an agreement. I think it was dated in 1954, and some part of that was completed. But there is not a conservation group in this country that approves of this. There is not anybody who cares about our land and what is happening to this planet who is in favor of this project. It will indeed provide benefits, and I can quite understand those who represent this area speaking on behalf of it.

But we are supposed to have a broader view. It will indeed interfere with some of our foreign relations with Canada, which I think would be most unwise.

Mr. Chairman, I caution this House. I think this is a very unfortunate project, and I hope very much that it will be defeated and that the amendment will be supported.

□ 1920

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

I would like to point out that this project has had much investigation and study in the past. We are talking about \$4 million here which is for the purpose of constructing and operating a test area so potential effects on Canadian waters can be evaluated.

This project is being built by an agency of the U.S. Department of Interior. I hope we have not reached the point now in the Department of Interior that when we send funds down there to protect our wildlife that wildlife is not protected. If they are, this country is getting in bad shape.

Our committee has consistently supported this project. We have had hearings and the people from North Dakota have come down here and testified every year for this project. It means a lot to that area, and certainly the North Dakota delegation and the Governor have consistently supported this project.

Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Indiana (Mr. MYERS), the ranking minority member of this subcommittee.

Mr. MYERS. I thank our chairman for yielding once again.

This is another one of the projects that just keeps coming back. It seems like we have a few of these that have a way of having repetition.

The proponents of this amendment this afternoon that would strike whatever funding might be available to the Garrison diversion project would lead you to believe that all of this is going for destruction of natural wetlands and that there is going to be a huge take of land.

There is a total in the Garrison diversion project of 216,000 acres. One would believe from the proponents that that is going to build dams and lakes and, as the gentleman from Massachusetts said, canals.

The truth of the matter is that two-thirds, 146,000, is going for fish and wildlife mitigation, enhancing the wildlife in North Dakota, 146,000 acres to create more ducks.

My gosh, you cannot kill them all now. I know my friend from Massachusetts tries but he cannot get them all.

We are going to improve the wildlife by the building of this diversion.

Second, the Audubon Society has been mentioned this afternoon. For the past 4 years the Audubon Society has been successful in delaying this project. It has added to the cost by \$500 million for the completion of it.

Yet the project will be brought in under index costs, the original index costs.

The last thing, the Audubon Society is now suing in South Dakota, alleging that the water will be destroyed in South Dakota, yet, as our chairman said, the Governor of South Dakota traveled here just a few weeks ago asking that we complete this.

I think it would be only wise if the Congress this afternoon, this committee, refuses this amendment.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will try to answer some of the gentleman's questions. I am sorry if I offend the gentleman from Indiana, but thank God there has been somebody in this well trying to protect some of the rich environmental treasures that we have in this great land of ours.

I will take a back seat to no one. I am proud of what I have done in the 24 years I have been here and I am going to fight as long as I have a little breath and a little stamina left in me.

I am not trying to kid anyone or hoodwink anyone on this project. The opponents of this amendment can try to put words in my mouth, but my colleagues will be able to read what I really said in the RECORD.

Let me first try to answer some of the gentleman's arguments.

Mr. Chairman, the first argument that the proponents of the project make is that the people of the United States somehow "owe" North Dakota this billion dollar boondoggle because of North Dakota's participation in the Pick-Sloan project. That argument is ridiculous. Nothing in the 1944 act creating the Pick-Sloan project authorized the Garrison Diversion unit. North Dakota did, indeed, lose some land to the construction of the Mainstem Dams on the Missouri River—but it also gained a supply of hydroelectric power and definite flood control benefits. If the people of North Dakota have any grievance about the loss of their land, surely it is no help to flood an additional 220,000 acres in order to irrigate some 250,000 acres.

Another misconception is that the Garrison project enjoys vast local sup-

port. In fact, one county in North Dakota has successfully sued to remove itself from the Garrison Conservancy District, and several other counties are considering similar measures. In the recent November elections, a number of candidates for the State legislature, county commission, and even the Garrison Conservancy District Board of Directors, were elected on platforms in which their opposition to the Garrison diversion project play a prominent role. Mr. Chairman, at this point in the RECORD I ask that I may be permitted to insert copies of several newspaper articles discussing this anti-Garrison sentiment.

The material referred to follows:

[From the Jamestown (N. Dak.) Sun, Nov. 3, 1982]

COMMON GROUND: THE VOTE IS IN . . .
ALMOST

(By James Smorada)

With two Jamestown wards still a-counting, the off-year election produced some surprises and hints of possible surprises to come.

One of the trends that seems to be emerging indicates a larger number of electors has second thoughts about the Garrison Diversion project.

Unofficial and incomplete returns in Jamestown and Stutsman County show incumbent Garrison board member and proponent Royal Berstler has been defeated by Darwin Fisher, a man who has campaigned for a place on the board because he opposes the water project.

And county voters may have elected three new commissioners who have said they are "soft on Garrison."

In District 29, voters elected a political newcomer, Wade Williams, who has indicated he feels there needs to be some modifications in the water diversion project.

In the region, voters in Renville, Pierce and McLean counties have elected Garrison board members who have voiced concerns about the project.

The trend suggests voters no longer consider the project an untouchable. Opponents of the project gained political strength on Tuesday—a measure of power in state politics opponents have not had in the past.

The results also suggest it is now possible for a candidate to oppose Garrison Diversion—or just question it—and still be elected to office.

It remains to be seen if the sentiment makes any appreciable difference to the project's future but one thing is clear: if Garrison is to survive, major compromises will have to be considered.

The objections abroad, the cost Washington may not be willing to bear, and the slightly less enthusiastic support the diversion project polled strongly suggests the idea is ripe for compromise.

Perhaps the one-sixth of the board, elected and opposed to Garrison, can play a role redesigning the water project. A growing number of voters seem to be saying the project needs some fresh thinking—not bull-headed reluctance to change.

[From Jamestown (N. Dak.) Sun., Nov. 4, 1982]

HANSON, UNHJEM ELECTED
(By J. P. Furst)

Democrat Lyle Hanson and Republican Mike Unhjem have been reelected to the state House of Representatives out of District 48—finally.

Because of 1,800 defective computer ballots, Hanson and Unhjem could not claim victory until county officials had punched out duplicates of the ballots and computed the results.

Both candidates had substantial margins over Democrat Bill Meier and Republican Harold Trautman in the 24 precincts reporting on Tuesday. The 24-hour delay in Wards 2 and 3 simply confirmed the result.

Hanson received 2,517 votes, Unhjem had 2,354, Meier had 2,052 and Trautman had 1,910. Hanson outpolled all three candidates in Wards 2 and 3, as well.

Meier, chairman of the Stutsman County Commission, said he considers his defeat a result of voter sentiment on Garrison Diversion.

The voters provided a landslide victory for Darwin Fisher, a project opponent, in his race for Garrison Diversion Conservancy District director. A pair of county commission candidates who oppose Garrison were also elected.

"Garrison was probably the difference in my election," he said. "The courthouse might have been a factor, but the way other county races went, I think Garrison was the biggest single factor."

"We'll probably have to take another look at Garrison," he said, referring to commission action on the Missouri River project.

Preservation of the 1883 county courthouse was a critical campaign issue in the commission race, contributing to the ouster of two incumbents.

Hanson, a geography teacher at Jamestown Junior High, has served two terms in the House. He carried every District 48 precinct but one.

"Things couldn't be better," he said Thursday. He said the coming session of the Legislature will be "a session of compromise," now that the Democrats have become the majority party in the House.

"We should have better legislation, as a result," Hanson said, "I think the people voted for more balance in their state government. Now they have it."

He said Meier had "a pretty tough race," running against a pair of incumbents. Hanson said he believed the courthouse conflict had a lot to do with Meier's defeat.

He said the rotation of candidate names on the ballot had a strong influence, also.

Unhjem, an official at first National Bank of Jamestown, returns to the House for his fifth term. He said "I'm personally satisfied, but I'm surprised by the extent of Republican losses statewide."

He believes Democrats ran a "misleading" campaign on state spending but the Republicans "never did make a strong clear response." He conceded that he made few responses during his campaign to the charges he considered misleading.

"Having Quentin Burdick and Byron Dorgan at the top of the ballot had an impact," he said, as did "the condition of the farm economy. A lot of people wanted to express their frustration."

[From the Jamestown (N. Dak.) Sun., Nov. 3, 1982]

GARRISON OPPONENT WINS SEAT—FISHER DEFEATS BERTSLER
(By J. P. Furst)

Darwin Fisher of Ypsilanti, a strong opponent of Garrison Diversion, received 60 percent of the vote Tuesday and was elected to the Garrison Conservancy District board.

Fisher defeated Royal Bertler of Jamestown, a Garrison promoter and a member of the board since 1978.

Pierce, McLean and Renville counties also chose Garrison opponents to represent them on the district board, a clear rejection of the \$1.2 billion project.

One-sixth of the district board will now be comprised of members who believe Garrison must be changed.

Not counting Wards 2 and 3, Fisher received 3,742 votes. Bertler had 2,656. Fisher also defeated him in the June primary but the magnitude of his victory on Tuesday was surprising.

Fisher said, in his campaign, that he supports a Missouri River project, but not Garrison. He believes it should be modified in favor of a pipeline system.

He presented his candidacy as a referendum on the project. He is chairman of the Committee to Save Stutsman County, a grass-roots organization opposed to Garrison.

Bertler, on the other hand, promoted the project as the only means of keeping Missouri water in the state, out of southern hands.

Fisher was one of a number of Stutsman County candidates calling for modifications in the 250,000-acre project, now under construction.

In Wards 1, 4, 5 and 6, he received 1,894 votes to Bertler's 1,634.

He won every precinct but one—Precinct 10. Bertler won 92-91 in that rural Jamestown precinct. Fisher's margin in other regions, however, was overwhelming.

In Precinct 6 he won 80-33, in Precinct 19 by 121-42, in Precinct 1 by 130-39, and in Precinct 7 by 126-63. Fisher received big margins in Precincts 12, 13, and 16 also.

Fisher went goose-hunting Wednesday morning and was not available for comment. Neither was Bertler or Garrison district manager Homer Engelhorn.

In McLean County, Herb Nathan defeated Reinhold Fwicker 2,592 to 2,452. Nathan farms near the McClusky Canal and has opposed Garrison for years.

In Pierce County, Frank V. Schaan of Balta was defeated by Leroy Johnson, 1,445-945. Schaan has been a Garrison board member for several years.

In Renville County, Paul Christianson defeated incumbent Earl Palmer 1,072-396.

But Arnold Seibel of rural Harvey, a Garrison opponent, has probably lost his seat on the board. Seibel leads Garrison promoter Jerry Roble by 300 votes with four major precincts still to be reported in Wells County.

The Harvey and Fessenden precincts are expected to elevate Roble to the post.

J. C. Eaton of Minot, the Ward County incumbent, had a lead of 300 votes over Garrison opponent Lynn Martin with most precincts reporting on Wednesday.

I also ask that I may insert a copy of a letter sent to me by the Wells County Director of the Garrison Diversion Conservancy District. In that letter, Mr. Arnold Seibel states that "operation and maintenance costs on

the McClusky Canal have already exceeded \$6 million, but seepage continues to cause problems." Apparently the Bureau is continuing with other project features before solving this problem. Mr. Seibel also points out that a number of cities, including Harvey, Fessenden, Turtle Lake, and Mercer have found that Garrison Diversion water is too expensive to use. So much for the much ballyhooed benefit of improving municipal water supplies.

The letter follows:

HARVEY, N. DAK.,
November 30, 1982.

DEAR CONGRESSMAN CONTE: We would like to ask for your help and support in defeating appropriations for North Dakota's Garrison Diversion Project.

We feel that our tax money is simply being wasted. We definitely do not want to see construction begin on Lonetree Dam and the New Rockford Canal. Operation and maintenance costs on the McClusky Canal have already exceeded \$6 million, but seepage continues to cause problems. Yet the Bureau of Reclamation, knowing about this seepage and saturation, is planning to let bids on the New Rockford Canal.

Cities, such as Harvey, Fessenden, Turtle Lake, and Mercer have already discovered that Garrison Diversion water is too expensive for their use.

Not all North Dakotans blindly endorse the Garrison Project. Anything you can do will be greatly appreciated.

Thank you,

ARNOLD A. SEIBEL,
Wells Co., Director,
Garrison Diversion, Conservancy District.

Finally, Mr. Chairman, I want to put a stop to the claim that just building phase 1 of this project will take care of the international problems. In fact, there are real questions whether the precautions being taken in phase 1 will be adequate to prevent detrimental transfers of chemical and biological pollutants to Canadian waters. In addition, there is no basis for continuing to build phase 1 of the project to the size of the now contemplated standards, if in fact those features will be used only on phase 1. What we are seeing is a classic example of the "sunk hole" argument in the making, that once we have invested all this money, we might as well finish the project.

Mr. Chairman, so far we have spent almost \$160 million on this project, and in my opinion that is \$160 million too much. But let us not throw another billion dollars in good money after the bad.

Mr. Chairman, we are opposed to this project because it would destroy the best breeding grounds for ducks in the United States.

We are opposed to this because it is a boondoggle and will cost the taxpayers \$1 billion.

We are opposed to this because our Canadian friends to the north do not want any part of this project and are

begging us to stop it. So in all sincerity let us stop this project tonight.

Mr. BEVILL. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Oklahoma (Mr. WATKINS) a member of the subcommittee.

Mr. WATKINS. Mr. Chairman, I thank the gentleman for yielding and stand in support of the Garrison project. We have a Bureau project in my district, McGee Creek, which would be eligible for additional funding under title II of this act. Is it the intent of the distinguished chairman of the subcommittee that no funds available in fiscal year 1983 shall be expended on construction of the aqueduct unless other elements crucial to local economic benefit, such as the access roads, are started?

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

Mr. WATKINS. I yield to the gentleman.

Mr. BEVILL. The gentleman is correct.

Mr. WATKINS. I thank the Chairman.

Mr. BEVILL. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, Mr. CONTE, to delete additional funding for the Garrison diversion project.

As chairman of the House Foreign Affairs Subcommittee that oversees international environmental policy, I am especially concerned about the potential effects of this project on wildlife and land and water resources in both the United States and Canada. An interbasin transfer of water could degrade water quality, disrupt or destroy wildlife and its habitat and cause other environmental damage.

The United States-Canadian Boundary Waters Treaty of 1909 clearly states:

Waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

The United States-Canada Joint Commission has found that the project would result in a violation of the 1909 treaty and has recommended that those portions which would affect Canada not be built at this time. While the Department of State previously promised Canada that features potentially affecting Canada will not be constructed until our differences have been resolved, the Bureau of Reclamation seems intent on proceeding with aspects that clearly have potential effects on Canada.

Nine million dollars in previously appropriated but unexpended funds exist for the Garrison unit—an amount sufficient to evaluate possible alternatives. New funds should be withheld until the appropriate committees in

Congress have reexamined the entire project.

Over the past decade, the United States has been the leader in international efforts to protect the world's environment and natural resources. The United States should not renege on this leadership role by proceeding with a project that could pose serious environmental threats to our neighbors in Canada.

Mr. Chairman, until we have a much better understanding of the nature and extent of possible environmental consequences of the Garrison diversion unit and until we have resolved potential conflicts with Canada, I do not believe \$4 million in new construction funds are warranted. I urge my colleagues to support the Conte amendment.

Mr. BEVILL. Mr. Chairman, I yield the balance of my time to the distinguished Member of Congress, the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN of North Dakota. Mr. Chairman, once again let me quietly but very respectfully say "nonsense," "nonsense" to the arguments on cost effectiveness, on degradation of the environment, on the Canadian concern.

Let me give my colleagues a few facts.

Here is a diplomatic note from this country to the Canadians. Let me read from it. It talks of the first phase of the Garrison diversion program. It reads:

"None of the features included in this phase would involve the transfer of water from the Missouri River Basin into Canada."

Four million dollars we are talking about, to help complete the first phase. And it is only a small step in the first phase. This diplomatic note says it all. We are not building features which will send water to Canada under phase 1.

My friend from Minnesota talked about the Garrison diversion issue. My guess is he still wants to keep receiving the cheap hydroelectric power that he gets from the dam they built over there in North Dakota. They get nearly twice as much hydroelectric power in Minnesota from that dam than we do in North Dakota. They get the benefits, we get the cost. The benefits promised us back in the 1940's have not been received, and if some on this floor have their way will never be received by the citizens of North Dakota. That is fundamentally unfair.

Yes, indeed, in the 1940's, in the Pick-Sloane project they anticipated a 1-million-acre diversion program: Not 250,000 acres, as it has been scaled to in the mid-sixties, not 85,000 acres that have been talked about recently, but 1 million acres of water diversion program in North Dakota.

There is a refrain from a song that says, "Take the money and run." I am afraid there are some folks around here who want to do that with projects like this. They want to take the benefits that accrue to their region of the country and then leave the costs someplace else and renege on the commitments and promises. I am just saying that is fundamentally unfair. It is not the right thing to do, not good for the country, certainly not good for the State I am from.

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding and say to my colleague that I am a westerner who votes against boondoggle projects. In fact, I am so against them that 3 years ago on the floor of this House I killed one in my own district and almost did not come back because of it. I take a close look at all of them.

As I look at the Garrison diversion project, I find it is not a boondoggle—that unlike boondoggles, this one has a favorable cost-benefit ratio—that it does have some environmentally beneficial factors to it. The one wildlife project that is being flooded is going to be replaced. This project does and will provide inexpensive hydroelectricity. And by the way, this project is paid for out of that hydroelectrical cost.

Finally, it does improve municipal water sources. Yes, some small towns may find that it is impossible to pay for them, and not hook up. But they find that that is true of new municipal water resources that are being built all across this country.

This is a good project, and I am pleased to support it.

Mr. DORGAN of North Dakota. I thank the gentleman.

I have great respect for the gentleman from Massachusetts who has been in this body many, many years, believes in a lot of great things, fights for them very hard on the floor of this House. In my heart I believe he is dead wrong on this issue. I think the people of North Dakota and the people in this country are best served by keeping our commitments to a good project, one that is environmentally sound, economically sound, and one that will be good for our future.

Mr. Speaker, I yield to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Chairman, it is with a great deal of reluctance that I today support the Conte amendment to delete \$4 million in funding for the Garrison project. Unlike many of my colleagues who will be voting for this amendment, it is not my belief that all water development projects should be automatically regarded as "pork

barrel" ripoffs of the taxpayer. Anyone who has lived in the Dakotas should realize the very real necessity that environmentally sound, locally supported irrigation projects have for our region.

Both North and South Dakota are, in many portions, semiarid States. Both North and South Dakota have given up over 500,000 acres of land apiece so that our downstream States could enjoy the benefits of flood control, navigation, and cheap hydroelectric power. Both North and South Dakota were promised, for their sacrifice, significant assistance from the Federal Government for water development purposes. Both North and South Dakota have been thus far the victim of unkept promises in this regard.

All that being said, however, I must still oppose further funding of the Garrison project for one reason and one reason only. That is the very distinct possibility that construction of the project could have a seriously damaging effect on the residents of South Dakota. There is a distinct possibility that if the project is completed as present plans call for, and absent the possibility of drainage into Canada, the return flows that come into the James River in South Dakota could have serious impacts, at times dewatering the river and at other times flooding it. Also, there exists the likelihood that these return flows could have a serious impact on the quality of the water in the James River.

These negative impacts need not happen, however. In fact, legislation passed this year, and signed into law in H.R. 4347, provides for a study to determine if there is some way that these possible damaging effects can be turned into benefits for both North and South Dakota. At this time, however, that study has not yet started, and there are still no protections written into law that will assure the South Dakota residents along the James River that work on the Garrison project will not have the damaging effects on them that they legitimately fear.

As much as I regret the position this puts me in, and as much as I realize the necessity of my neighbor to the North to develop a beneficial plan for the efficient use of its water supply, I must vote against any further appropriations for the Garrison projects until the necessary safeguards for South Dakota are put into place.

Mr. CONTE. Mr. Chairman, I just wanted to respond to my good friend. I have the same admiration for my good friend, the gentleman from North Dakota. It pains me to fight the gentleman on this project. But deep in my heart, I know I am right.

● Mr. FASCELL. Mr. Chairman, I would first like to commend the gentleman from Massachusetts for taking

the initiative and leadership on this important issue.

As chairman of the House delegation to the Canada-United States Interparliamentary Group, I have become familiar with Canadian concerns over the construction of the Garrison diversion project. This water project has become a major issue in United States-Canadian relations. Proponents of the project argue that Canada is protected by an understanding between the two governments that the project will not be completed in a manner that would impact adversely on Canadian waters. However, the U.S. Government has taken no steps to redesign the project so that Canadian waters will not be impacted, and the Canadians are sufficiently knowledgeable of the U.S. political system to know that, once millions of dollars have been poured into the project, pressures for completion may be too strong to resist.

I would like to bring to the Members' attention a letter which I received from Ian Watson and Henry Hicks, the Canadian co-chairmen of the Canada-United States Interparliamentary Group. The letter sets forth the current Canadian perspective on the project and deserves the Members' close scrutiny.

I think that the best solution is that offered by Chairman ZABLOCKI, which is for the United States to redesign the project in a manner which deals with both the Canadian concerns and domestic environmental issues.

I urge the Members to support the Conte amendment as the first step toward forcing a restructuring of the project in a manner that avoids any adverse effect on Canadian waters, deals with the major U.S. environmental concerns, and still meet the needs of the people of North Dakota.

JULY 9, 1982.

HON. DANTE B. FASCELL,
Co-Chairman, Canada-United States Interparliamentary Group, U.S. Section, Chairman, Subcommittee on International Operations of the House Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR DANTE: As Canadian Co-Chairman of the Canada-United States Interparliamentary Group, we wish to alert you to the continuing concern of Canadian parliamentarians over possible Congressional action in respect to the Garrison Diversion Unit.

As you are doubtless aware, the U.S. Court of Appeals ruled in May 1982 that Congressional reauthorization for the Garrison Diversion Unit was not required as had been contended before a lower court which had earlier granted an injunction against further construction on the project. Consequently, the ruling of the U.S. Court of Appeals means that construction can go ahead using the previously appropriated funds amounting approximately to \$9 million. Added to this funding could be the House appropriation request for FY83 for \$4 million and the possible addition of \$10 million to be diverted from other projects of the Department of Interior, a proposal supported by Senator Burdick. The Secretary of the Interior, James Watt, and U.S. offi-

cials indicated in February of this year that construction on the project would proceed.

It will be evident to you from our numerous exchanges on the Garrison project which have taken place at past meetings of the Canada-United States Interparliamentary Group, that these developments cause Canadians considerable concern. You will recall that Canada has opposed the project since its beginnings in the 1960s and the Canadian government has formally advised the United States that Canada cannot accept any Garrison plan which does not effectively guarantee against biota transfer to the Hudson Bay drainage basin.

I know you are also aware that the report of the International Joint Commission (IJC) of 1977 confirmed Canadian apprehensions concerning the transfer of incompatible forms of biota to Canadian rivers and lakes. That report recommended that those portions of the Garrison project which could affect waters flowing into Canada should not go forward as authorized until the question of biota transfer was resolved. The IJC recommendation did not preclude construction of the Lonetree Reservoir provided all outlet works from the Reservoir are located so as to discharge only into the Missouri River Basin and if fishing in the Reservoir were forbidden.

We are aware of efforts of the U.S. Administration to devise an approach to the Garrison project which will reduce the risk of water and biota transfer, including the most recent project modification known as the Olson-Janklow plan. We appreciate these efforts and consider that this plan represents a welcome acknowledgement of Canadian concerns. We are also pleased that the United States Administration has indicated it will consult with Canada in developing the plan.

However, it is noted in Canada that the Olson-Janklow plan has no official status and that the only Garrison plan authorized by Congress is the original 250,000 acre project with its attendant risk to Canada. It is under this authorization that additional funds for Garrison are appropriated. We are concerned to know if Garrison proposals (for authorization, funding or construction) will be limited to the modified Olson-Janklow plan currently being proposed? Or, might we be faced with a renewed pressure for the full-scale Garrison or increased support for additional components as a logical outcome of the gradual build-up of various parts of the original plan? Moreover, while the Olson-Janklow plan (which in essence involves a modified part of the original Garrison project plus a second phase providing for increased irrigation along the James River in South Dakota using a portion of the water available from the Garrison project in North Dakota), would seem not to affect Canadian waters, some important questions of a technical nature still remain. Canada is interested in learning more about the design and engineering of certain aspects of this project before it can decide whether the modifications can be developed without serious risk to Canada waters.

What we would urge is that Congress delay any new authorization of funding for the Garrison until the two governments have had a chance to work out the remaining bilateral problem areas and to reach agreement on modifications under the new plan.

The members of the Canadian section of the Canada-United States Interparliamentary Group are aware of your personal sensitivity to Canadian problems over this issue

and are grateful for your help in enlarging understanding of the Canadian viewpoint. We bring our current concerns to your attention in the hope that when the House appropriation vote on this issue is held, you might be able to convey to Congressmen why Canada is not yet completely satisfied that its interests will be protected.

Yours sincerely,

IAN WATSON.

HENRY D. HICKS.●

● Mr. DERWINSKI. Mr. Chairman, I urge my colleagues to support the amendment deleting funds in this resolution for the Garrison diversion unit in North Dakota.

Although there are other domestic arguments for delaying construction on this project until it has been evaluated further, I want to emphasize the reasons why the Garrison diversion unit, as currently envisioned, would adversely affect our relations with Canada.

This project would result in a violation of the 1909 Boundary Waters Treaty between Canada and the United States. Project irrigation would pollute rivers that flow from the United States into Canada, and harmful fish would be transferred into the Canadian watershed. This would have disastrous results for commercial, sport and native people's fisheries in the Province of Manitoba.

The United States-Canadian International Joint Commission has requested a moratorium on the Garrison diversion project, and the Government of Canada has made the same request repeatedly. In my judgment, such a moratorium is justified, and I again urge support of the Conte amendment.●

● Mr. ZABLOCKI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts.

For the past several years funding for the Garrison diversion project has been controversial in this body. There are various outstanding domestic environmental issues, and our Northern neighbor Canada has serious reservations on the impact that the project would have on Canadian waters and aquatic life. This year I attended the annual Canada-United States Interparliamentary Group meeting, and I know from those discussions that the Canadian concerns are strong and genuine.

If we continue on the present path we will be confronted with this controversy every year for the next decade. A lot of money has already been sunk into the project and should not be wasted. The only reasonable course is for the project to be redesigned so as to deal with the prominent domestic environmental issues and to avoid any adverse impact on Canadian waters. To do otherwise is to keep the project mired in controversy, to further delay construction, and maybe even to prevent it from ever reaching comple-

tion—that surely is not in the interest of the United States, much less the people of North Dakota.

Mr. Chairman, the best route to insure the redesign of this important water project is to reject the funds in this bill for the Garrison diversion project and thereby force a review of the legitimate criticisms and concerns.

I urge the Members to support the Conte amendment.●

● Mr. CLAY. Mr. Speaker, I rise in support of the amendment to delete funding for the Garrison diversion project in North Dakota.

Many words have been spoken today in an attempt to sway the undecided and perhaps change the minds of others who have voted to continue this project in the past. It is my fervent hope that there will always be Members with open minds who can change their positions, as many noted colleagues have done on this one issue.

With all the many facts and figures and noted champions on the side of Garrison, year after year it rolls on. Congress after Congress continues to appropriate money for it. Each year we come closer to killing this wasteful boondoggle but victory has eluded us. Why? Why do some of us continue to vote for a wasteful and destructive water project of such magnitude that it almost defies description? Why do Members who vote correctly on a whole score of other environmental issues vote for Garrison? Why do Members who otherwise favor good Canadian-United States relations vote for Garrison? And why do Members who categorically vote against high-priced Federal expenditures continue to vote for Garrison?

This country has been coasting along for decades, finding the easiest way to deal with pressures and party lines and problems it to vote money for them. The downhill ride is about to end and I fear a brick wall looms ahead. A wall of economic recession, environmental degradation, and loss of faith with the American people we represent. We must put the brakes on wasteful Government spending now. There is simply no way we can continue to vote for projects like the Garrison diversion unit with equanimity.

I ask that each of you reach down into your conscience and ask a few honest questions: Do we really need this project and its \$1 billion price tag? Might there not be a better way, a cheaper way, to give the people of North Dakota the kinds of benefits they need rather than a project that will be an irrigate six-tenths of 1 percent of the land? Is the damage or destruction of 12 congressionally authorized national wildlife refuges not worth considering? And is there any reason we should continue to antagonize our good neighbors in Canada? They are deeply concerned about the intrusion of run off from this project

in North Dakota into the Hudson Bay watershed in Manitoba.

Certainly there are no easy answers to these questions. I only say that we must take our responsibilities as representatives of the people seriously enough to ask them and to come up with an answer of no funding for Garrison until some of the harder questions are put to rest.

I hope you will join me in supporting the Conte amendment to cut funding for Garrison in fiscal year 1983.●

● Mr. PEASE. Mr. Chairman, in a year when we have fought tooth and nail to cut needless Federal spending, North Dakota's Garrison Diversion water project has again returned to remind us that not all Federal waste is treated equally.

Conceived as a way to suddenly irrigate historically dry land farms, Garrison Diversion costs and benefits have been shifted, altered and exaggerated since conception. The project, which will barely provide more irrigated farmland that it will take from existing production, is an international embarrassment.

Despite the continued pleas of our friend and neighbor Canada, the supporters of Garrison push on. Since the early 1970's, Canada has made clear that it fears that the new drainage from irrigated North Dakota lands will end up polluting Canadian rivers. The International Joint Commission (IJC), a bilateral body that has overseen United States-Canadian boundary questions for 70 years, recommended that the project not be built at this time—1977—since it would cause significant injury to health and property in Canada. Our State Department has varied its spending commitment to respecting this violation, but of late seems to have forgotten its promises to honor international treaty agreements, at least on this continent.

Garrison, like similar innocent and well meaning projects, was originally expected to cost little, barely over \$200 million in 1965. Today less than 25 percent complete, price estimates now exceed \$1 billion. Each acre of irrigated land will cost American taxpayers \$4,000. Federal belt tightening slips completely on this program.

Mr. Chairman, because of the huge costs involved, the continuing violations of international treaty agreements, and tremendous adverse environmental effects, the Garrison Diversion should be stopped. The Conte amendment to cut H.R. 7145 accordingly should be approved by this House. Our official duplicity over waste should end as it regards the Garrison Diversion and its never ending cost to American taxpayers.

I urge approval of the Conte amendment.●

The CHAIRMAN pro tempore. The question is on the amendment offered

by the gentleman from Massachusetts (Mr. CONTE).

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

RECORDED VOTE

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 152, not voting 29, as follows:

(Roll No. 449)

AYES—252

Addabbo	Ferraro	McHugh
Anderson	Fiedler	McKinney
Annunzio	Fields	Michel
Archer	Findley	Mikulski
Ashbrook	Fish	Miller (CA)
Aspin	Pithian	Miller (OH)
Atkinson	Florio	Minish
AuCoin	Poglietta	Mitchell (MD)
Badham	Ford (MI)	Mitchell (NY)
Bafalis	Forsythe	Moakley
Bailey (MO)	Powder	Molinari
Bailey (PA)	Frank	Moore
Barnes	Frenzel	Moorhead
Bedell	Fuqua	Mottl
Blaggi	Garcia	Murphy
Bingham	Gaydos	Murtha
Bliley	Gejdenson	Neal
Boland	Gilman	Nelligan
Bonior	Gingrich	Oaker
Bonker	Goodling	Ovstar
Breaux	Gradison	Obey
Brinkley	Gramm	Ottlinger
Brodhead	Gray	Parris
Broomfield	Green	Patterson
Brown (CA)	Gregg	Paul
Brown (CO)	Grisham	Pease
Brown (OH)	Guarini	Peyser
Broyhill	Gunderson	Porter
Butler	Hall (IN)	Price
Byron	Hall (OH)	Pritchard
Campbell	Hamilton	Pursell
Carman	Harkin	Rangel
Chisholm	Hartnett	Reuss
Clay	Hertel	Rinaldo
Clinger	Hiler	Ritter
Coats	Hillis	Rodino
Coleman	Holt	Roe
Collins (IL)	Horton	Roemer
Collins (TX)	Howard	Rostenkowski
Conable	Hoyer	Roukema
Conte	Huckaby	Rousslot
Conyers	Hughes	Roybal
Corcoran	Hyde	Russo
Coughlin	Ireland	Sabo
Courter	Jacobs	Savage
Coyne, James	Jeffords	Sawyer
Craig	Jeffries	Scheuer
Crane, Daniel	Jenkins	Schneider
Crane, Philip	Kastenmeier	Schumer
Crockett	Kemp	Seiberling
D'Amours	Kennelly	Sensenbrenner
Daniel, Dan	Kildee	Shamansky
Daniel, R. W.	Lagomarsino	Shannon
Dannemeyer	Latta	Sharp
Daschle	Leach	Shaw
Davis	LeBoutillier	Shumway
Deckard	Lee	Siljander
Dellums	Lent	Smith (NJ)
Derrick	Livingston	Snowe
Derwinski	Loeffler	Snyder
Dingell	Long (MD)	Solarz
Dornan	Lowery (CA)	Solomon
Dougherty	Lungren	Spence
Downey	Madigan	St Germain
Dreier	Markey	Stanton
Duncan	Marlenee	Stark
Dunn	Martin (IL)	Staton
Early	Martin (NC)	Stokes
Edgar	Martin (NY)	Stratton
Edwards (CA)	Martinez	Studds
Edwards (OK)	Mattox	Swift
Emery	Mavroules	Synar
Erdahl	McClory	Tauke
Erlenborn	McCollum	Tauzin
Evans (IN)	McDade	Tribble
Fascell	McDonald	Udall
Penwick	McGrath	Vander Jagt

Vento
Walgren
Walker
Washington
Waxman
Weaver
Weber (MN)

Weber (OH)
Whitehurst
Williams (OH)
Wirth
Wolf
Wolpe
Wortley

Wyden
Wylie
Yates
Yatron
Young (FL)
Zablocki
Zeferetti

NOES—152

Akaka
Albosta
Alexander
Andrews
Anthony
Applegate
Barnard
Benedict
Bennett
Bereuter
Bethune
Bevill
Boggs
Bonner
Bouquard
Bowen
Brooks
Burgener
Burton, Phillip
Carney
Chappell
Cheney
Clausen
Coelho
Coyne, William
Daub
de la Garza
Dickinson
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Dwyer
Dymally
Dyson
Eckart
Edwards (AL)
Emerson
English
Ertel
Evans (IA)
Fazio
Flippo
Foley
Fountain
Frost
Gephardt
Gibbons
Ginn
Glickman

Gonzalez
Gore
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hatcher
Hawkins
Hefner
Heftel
Hendon
Hightower
Holland
Hopkins
Hubbard
Hunter
Hutto
Jones (NC)
Jones (OK)
Jones (TN)
Kazen
Kindness
Kogovsek
Kramer
Lantos
Leath
Leland
Levitas
Long (LA)
Lott
Lowry (WA)
Lujan
Lukens
Lundine
Marriott
Matsui
Mazzoli
McCloskey
McCurdy
McEwen
Mica
Mineta
Mollohan
Montgomery
Morrison
Myers
Napier
Natcher
Nelson

Nichols
Nowak
O'Brien
Oxley
Panetta
Pashayan
Patman
Pepper
Perkins
Petri
Pickle
Quillen
Rahall
Ratchford
Regula
Roberts (KS)
Roberts (SD)
Robinson
Rogers
Rose
Rosenthal
Roth
Rudd
Santini
Shelby
Simon
Skeen
Skellton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (OR)
Stangeland
Stenholm
Stump
Taylor
Traxler
Volkmmer
Wampler
Watkins
Weiss
White
Whitley
Whittaker
Whitten
Williams (MT)
Winn
Wright
Young (AK)
Young (MO)

NOT VOTING—29

Beard
Beilenson
Blanchard
Bolling
Burton, John
Chappie
DeNardis
Evans (DE)
Evans (GA)
Fary

Ford (TN)
Goldwater
Hagedorn
Heckler
Hollenbeck
Johnston
LaFalce
Lehman
Lewis
Marks

Moffett
Rallsback
Rhodes
Schroeder
Schulze
Shuster
Smith (PA)
Thomas
Wilson

□ 1950

Messrs. HUNTER, WINN, LUKEN, and BEREUTER changed their votes from "aye" to "no."

Messrs. LEE, GUARINI, HARTNETT, EDWARDS of California, HUGHES, TAUZIN, PRICE BREAUX, and SPENCE changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MITCHELL of Maryland,

Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 631) making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes, pursuant to House Resolution 626, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. CONTE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONTE moves to recommit House Joint Resolution 631 to the Committee on Appropriations, with instructions to that committee to report the resolution back to the House forthwith, with the following amendments: Strike title II.

On page 6, in line 21, after "resolution" insert "Provided further, That the rate for operations for the Board for International Broadcasting, including grants to RFE/RL, Inc., shall be \$111,600,000, and the rate for operations for the United States Information Agency shall be \$507,547,000".

Mr. CONTE. Mr. Speaker, this motion to recommit would strike out title 2 with only one exception, about which I want to forewarn the House: There are \$44 million in here for the Voice of America and Radio Free Europe, Radio Liberty, which was requested by the administration. Otherwise, title I is exactly the same as the resolution reported by the committee, with the pay raise and other amendments as adopted.

Mr. Speaker, this is one of the last major votes of this session. And it will test your loyalties to the principles you have fought for. I urge you to vote for the motion to recommit this resolution with instructions to strike title II.

Those who are concerned with the environment, and who voted to delete funding for the various public works projects this afternoon, should vote for the motion. There is funding for more pork barrel water projects in title II than anything you considered all afternoon long. There is funding for projects like the Red River Water-

way, the central Arizona project, the central Utah project, and yes even the Tennessee Tombigbee. This title gives the Army Corps of Engineers and the Bureau of Reclamation a blank check, and the environmental groups oppose the water projects in this title.

For those of my young progressive colleagues who believe the future of this country lies in investment in high technology, in encouraging creativity and invention, and in training and educating our people for the future, should vote for this motion, because title II is about to invest your capital in old ideas. Imagine what \$6 billion could do in building bullet trains, in investing in the latest steel production technology and in providing lasting training to our unskilled workers. Instead, title II invests in canals and Federal buildings and purchase of 15,000 motor vehicles to bail out the automobile industry.

For those of you who have advocated a "pay as you go" approach to new projects in this Congress, should vote for this motion. Title II thumbs its nose at the notion of fiscal responsibility that has marked this Congress, and it harkens back to a time of free spending that is simply counterproductive in this time of record deficits.

And for those of you who believe this Government must take responsible action to deal with the 12 million unemployed people in this country, I urge you to vote for this motion. Somewhere on the way to this forum, this bill got hijacked. In place of jobs for the people, this title substitutes fantasies like small business tree planting services, and hundreds of pork barrel Christmas tree projects that fill pages and pages in the report.

There is very little in this bill for unemployed older Americans, for unemployed teenagers, for unemployed women. They all have very high unemployment levels, and need all the help they can get.

This bill is not a jobs bill. It pays for bulldozers and dams and buildings, projects that will be built over a number of years and not, I repeat, not in the immediate months ahead when we need the jobs for our 12 million unemployed. If anyone thinks this \$6 billion is going to relieve the people who need help now, they are misinformed, and worse than that, they are wrong.

Title II offers the 12 million unemployed of this country three things:

A chance to borrow \$5.4 billion;
A grab bag of Christmas presents and projects bigger than this Chamber has ever seen; and

A guarantee of being vetoed.
And let me tell you a couple of other things it offers:

A strong probability of putting the Government out of business, when December 17 rolls around, furloughing hundreds of thousands of Government workers; and

The wonderful occasion to spend Christmas and even New Years Eve together trying to push a continuing resolution through and get it signed.

If this were a good bill, worth fighting for, I would be in there with you. But when you realize this bill is a backhanded way to fund every nut and bolt program for the next several years without regard to the budget, in the sheep's clothing of providing jobs, I hope you will get mad and reject these charades.

I can tell you with all honesty that I would be only too pleased to work with my colleagues on both sides of the aisle to produce a bipartisan jobs bill that will be acceptable to Congress and to the administration. We produced a legislative miracle with the tax bill and another on the highway. I think we can produce another. But first we must separate the wheat from the chaff and reject this ill-conceived, and misdirected attempt to bulldoze our way through the national tragedy of our 12 million unemployed Americans.

VOICE OF AMERICA, RADIO FREE EUROPE/RADIO LIBERTY

Mr. Speaker, my motion to recommit includes an amendment to add a total of \$44 million for the operations of the Voice of America and Radio Free Europe/Radio Liberty, as strongly requested by the administration. Of this total, \$22.7 million is for the Voice of America, and \$21.3 million is for Radio Free Europe/Radio Liberty.

These important information tools have been long neglected and are now sadly antiquated. Their importance and impact are testified to time and again by refugees from the Soviet block and other closed societies where accurate information is not available.

Listen to a letter from 181 Soviet seamen regarding these radio efforts:

We send heartfelt thanks to the people of America, the Congress and President Reagan. . . To everyone who makes it possible for us to listen to the voice of truth. We ask you to forgive us that we cannot write our names.

Time does not permit under the limitations of a motion to recommit, but I could read letter after letter similar to this one. We all are aware of the strong support of these radio efforts on the part of the various immigrant groups all over the United States. We have heard from them, the Estonians, the Lithuanians, the Ukrainians, The Russian Jews, all of them and more. Now let us let them hear from us by supporting this motion to recommit, and with it, a much needed boost for the Voice of America and Radio Free Europe/Radio Liberty.

President Reagan's letter follows:

THE WHITE HOUSE,

Washington, D.C., December 9, 1982.

HON. MARK O. HATFIELD,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, D.C.

DEAR MARK: A month ago I sent to the Congress requests for an additional \$22.7 million in appropriations for the United States Information Agency and an additional \$21.3 million for the Board for International Broadcasting in the current fiscal year. I would like to explain why I have taken this step, and to enlist your cooperation in securing passage of this important legislation during the current session.

International broadcasting is vital to our national security. The success of our nation in the international arena depends to a critical degree on how well the actions and intentions of the United States are understood by the rest of the world. By making clear where our country stands on the major issues of our time, and by articulating the ideals and aspirations that underlie our actions, we can gain understanding of and support for American foreign policy. By making available full and unbiased information about world events, we can provide the perspective necessary for intelligent judgments about world affairs.

The importance of international broadcasting and its role in the worldwide competition of ideals is not always well understood. Radio continues to be the primary method of communication in many areas of the world. In some areas—notably, in the Communist world—international radio remains virtually the only source of reliable news and information. For this very reason, the Soviet Union has long sought to prevent reception of these broadcasts. Their efforts have increased measurably in recent years in the wake of the turmoil in Poland. The jamming of Western radio broadcasts by the Soviet Union is now of unprecedented intensity, and for the first time extends to broadcasts intended for other countries—specifically, Poland and Afghanistan.

At the same time, the Soviet Union appears to have launched a campaign of intimidation designed to inhibit Western broadcasting efforts. In a recent conference of the International Telecommunications Union in Nairobi, the U.S.S.R. had one of its allies introduce a resolution that would have legalized jamming of international broadcasts. The Polish government has repeatedly complained that Western broadcasts have interfered illegitimately in that nation's internal affairs, and the Soviets themselves have undertaken a campaign of slander against the principal radio organizations supported by the U.S. Government, the Voice of America and Radio Free Europe/Radio Liberty.

We reject the charge that U.S. international broadcasting operations are in any sense improper. The principle of freedom of information is embodied in a number of international agreements to which the U.S.S.R. and its allies are parties, and deliberate interference with international broadcasting is specifically outlawed under the Convention of the International Telecommunications Union. Soviet accusations that U.S. broadcasts are irresponsible are, in any event, utterly without foundation. The existing charters and guidelines of the Voice of America and of Radio Free Europe/Radio Liberty are sufficient indication of the painstaking efforts that have been undertaken to ensure the accuracy, reliability, and responsibility of our radio stations.

There is nothing provocative about broadcasting the truth.

It is vital that we undertake initiatives now for the modernization and strengthening of our international radio broadcasting operations. The time has come to give these operations—for too long systematically underfunded and neglected—the attention they deserve. The additional funding I am requesting for the Voice of America and Radio Free Europe/Radio Liberty in FY 83 is a critical first step in this direction. These monies are intended primarily to assist rapid modernization of the technical infrastructure of the radios and to rebuild personnel levels in essential areas. Failure to obtain the additional funding in the current session will seriously hinder timely implementation of our overall program. Particularly at this time of critical change in the Communist world, having these improved capabilities as soon as possible is a matter of vital national interest. Please join me in this important effort.

Sincerely,

RONALD REAGAN.

□ 2000

Mr. WHITTEN. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, it is with no pleasure that I point out this serious situation which faces our Government and our country. Let me call to the Members' attention just how the situation has deteriorated since we began this new approach.

Unemployment has increased to 10.8 percent on a national basis, reaching a national high of 17.2 percent in the State of Michigan. Bankruptcies have increased to 77,503 from 66,332 last year. Business failures are up 49 percent since last year; only 35.7 percent of the raw domestic steel industry capacity is currently being utilized, which represents the lowest capacity since 1932. American farmers owe \$200 billion, and now they want to pay farmers in kind, with commodities that we would not have if we had kept them on the market to feed a starving world. We stored instead of selling it and our competitors sold them.

During the 1975 recession, approximately 76 percent of the unemployed workers were covered by some form of unemployment benefits. Today, only 49 percent are covered. We are now spending over \$20 billion a year for unemployment compensation.

May I say to the Members that this committee was asked to come up with what we could do to generate production activities. We have not created jobs. We have pointed out that in this bill we studied the hearings of appropriations subcommittees provided for many of those things that have been requested and are needed. They would strengthen the wealth of this country and also generate jobs. I say to the Members that we have got a situation so very close to what happened before and if Members will go back and study history they would see that our President at the beginning of the Great De-

pression, said, "Let's look to private business."

We are not ignoring private business. In our recommendations we have called on the Secretary of Commerce and the Secretary of the Treasury to get together and see what can be done to put our folks back in business so that they can compete in world markets. We need to. We are competing not with these automobile companies in Japan, we are competing with the government. Foreign governments have corporations that belong partially to the government and partially to private enterprise. We are asking for a report to the Congress as to what the Congress can do by legislation.

So I say to the Members, we have provided from the hearings in the Appropriations Committee in the past, at the direction of the chairmen, to see what is available, and we ask the Members to go along with it.

I am going to be candid with the Members. It is evident that we have got to have a continuing resolution that will be agreed on by the President, agreed on by the Senate, and agreed on by the House. But, let us stand up here and point out to the people that we are going to have to work to save our own country, or else we are going into the worst depression that we ever saw because all the earmarks are just like what preceded the other depression. I happened to come along in that period, when you could not buy a sack of flour in the State of Mississippi. I do not believe folks will stand in line like they used to, so I ask the Members here not to create jobs, but let us spend money on our own country.

Let me call attention to this: Do the Members realize that we appropriated \$230 billion for defense last week; that we committed ourselves on these new weapons to over \$400 billion 4 years from now? Do the Members realize that that will not be worth the paper it is written on if the economy keeps going like it is now?

Let me say and call to the attention of the Members that some years ago, President Eisenhower vetoed the public works bill because it had 69 new starts. We failed to override the veto. It came back and we sent it back to him. He said that we owe so much; our situation is so serious, our obligations at home and abroad, that we cannot afford these 69 new starts to strengthen our country. On the second round we overrode his veto. I was honored to make the motion to cut everything by 2.5 percent. We sent the bill back to the President, and that time the Congress overrode his veto. Do the Members know what I used? I used his message. I said, "The more we owe, the greater our problems, the more imperative it is that we look after our own country, for it is on that that all the rest depends."

I want the Members to know that in our committee we believe in stability. We did something about interest rates. But, I want to tell the Members that we draw a distinction between money and national wealth and try to stabilize our money and hold down. Members will recall, in our recommendations last year we rescinded \$14.3 billion the first year at his request. Let me say, you can leave your children all the money in the world in a wornout land, and they would never make it.

We ask the Members here, let us point out to our country that we need to go to work here at home to strengthen our economy, because the military is only as strong as the economy at home. With respect to all this money you have been appropriating, let us make it worthwhile by taking care of the basic things in our domestic economy, because, so help me, it is on that that all the rest depends.

● Mr. MILLER of California. Mr. Speaker, the goal of the additional spending in this bill is to stimulate the creation of jobs and economic recovery, which is the most important mandate facing this Congress and our Government.

In recent weeks, much of our attention has focused on the need to create jobs in the construction sector, particularly in the building and repair of our deteriorating roadways, bridges, and public transportation systems. These are important jobs because they will reemploy tens of thousands of workers who have been unemployed because of the deep recession.

But it is also crucial, as we fashion broad jobs legislation, that we pay special attention to the employment needs of women workers, relatively few of whom stand to benefit from jobs in the heavy construction area.

In order to meet the needs of some women who must join the labor force because of economic necessity, I have encouraged the leadership of this House to include in this legislation a special, supplemental child care program. I am very proud that the leadership of the House has recognized that for millions of women throughout this Nation, child care is first and foremost an employment issue and that without child care, millions of women will simply be unable to take the jobs they need to support their families. A large number of women—perhaps as many as 12 to 14 percent—are prevented from assuming full-time jobs because of inadequate child care. The need for employment-related day care is especially great among women between the ages of 18 and 24, non-high-school graduates, minorities, mothers whose families have incomes under \$15,000.

Creating education and job training programs, and even jobs, will not benefit many of these women unless we simultaneously provide them with child

care. As the U.S. Commission on Civil Rights has noted last year:

Whether women will be able to enter the labor force or to seek training and education with men will depend, to a great extent, on the types of care that are available, including those provided or fostered by the Federal Government.

Even for those women who are working, inadequate child care remains a most serious constraint on employment. In 1978, nearly one-third of the women interviewed identified inadequate child care as a "major problem."

For these women, working is an essential fact of life. For millions of other women, inadequate child care precludes employment. Rather than being employed, tax-paying citizens, millions of women are condemned to welfare dependency and poverty because of the lack of adequate child care.

In coming years, increasing numbers of mothers will join the work force either by choice or of necessity. By 1990, the number of preschool children who need child care will grow by over 25 percent. By 1990, nearly half the children under the age of 6 will have working mothers, as will 81 percent of children aged 6 to 17. We can also expect the number of children living with only their mothers to grow by more than one-third over the same period.

Yet this administration and this Congress have tried to deny these changing demographics, and have taken actions which cripple employment opportunities for millions of American women across this Nation by eviscerating child care. In the last 2 years, we have dramatically reduced the major source of child care support in Federal law by removing the long-standing \$200 million set-aside for child care in title XX and then cutting title XX funding. The result has been predictable: Many States have substantially reduced their child care programs, while many have also raised fees which discourage marginal workers from seeking employment because their wages do not offset the costs of child care.

Our actions in reducing child care have contributed to the unemployment crisis in this country, especially among women. And unless we reverse that senseless and costly trend, millions of women will be unable to participate in job training, education, and employment programs which hopefully this Congress will create to relieve the crushing unemployment rate. In addition, our failure to provide adequate day care for working parents who must work and who want to work will consign millions of young children to inadequate or nonexistent supervision. In both cases, the costs of our failure to provide these services—in continued unemployment, in growing

welfare dependency, in increasing costs of essential human service programs, in remedial education and health care, and a multitude of other areas—will be far, far greater than the small amount of these day care services.

House Joint Resolution 631 addresses this great need by providing an additional \$50 million for employment-related child care. The Appropriations Committee and others supportive of this section recognize that unless we increase our support for child care, the promise of employment and new jobs for millions of women in this country is nothing but a hollow promise.

At the same time, this additional funding will directly employ 4,000 additional people in the provision of child care services. An additional 33,000 children each month will receive child care services under this legislation. The committee has indicated its intention that these additional \$50 million not replace any State or Federal funds currently being expended on day care, but that they rather be used to expand the availability of child care services.

Mr. Speaker, this special effort is just the first step toward creation of a sound child care system in this country which is closely tied to the employment needs and desires of American families. This provision of House Joint Resolution 631 recognizes that child care is not a welfare issue, it is not a Liberal or Conservative issue, it is not a social service issue. Child care is an employment issue because it is the foundation on which millions of eligible and willing Americans will be able to enter, and remain full participants in, the labor force. They will become wage-earners and taxpayers rather than remain dependent on taxpayers for income support and vital services. And we can achieve this goal at a fraction of the per capita cost of most education and job training efforts.

Important as this supplemental appropriation for child care is under these dreadful economic circumstances, it is just a small part of the overall task of assuring that working parents have adequate day care.

While we drastically reduced funding for day care services through title XX and other federally funded programs, we are spending many times that same amount for child care through indirect financing via the day care tax credit. The availability of child care services has the greatest employment effects in the case of lower income wage earners. But over 80 percent of the current credit goes to those earning over \$15,000 a year, and nearly half of all the money expended through the credit benefits those earning over \$25,000 annually.

Low-income people are not able to take the full benefit of the tax credit

because of their small tax obligations. Since the remaining amount of the credit is not refundable, the excess represents a large out-of-pocket expense for low-income workers, frequently more than the differential between working or remaining on public assistance. As currently structured, therefore, the day care credit gives maximum benefits to those for whom day care is not the basis of whether or not to work, while the poorer person who really needs the services in order to get off public assistance and into a job does not receive those benefits.

It is my hope, and I believe the hope of millions of working people throughout this country, that we in Congress will undertake serious efforts to develop a child care policy in this country which meets the employment needs of parents and the day care needs of children. This supplemental child care section of the continuing resolution is an important step in that direction, not only because it provides an additional amount of funding, but because it addresses the child care issue as a means of supporting all Americans who want to work.

DISCUSSION POINTS ON CHILD CARE

Jobs bill should speak to the special employment problem of women: 12 to 14 percent of women cannot work because of unavailability of child care; 30 percent of working women cite day care as a major concern.

Providing day care is far cheaper, on a per capita basis, than job training or employment subsidies.

The provision in this bill will provide an additional 33,000 day care slots, and will provide jobs for 4,000 day care workers.

Growing number of women workers, female headed households, and young children make it imperative that we view child care as employment, not welfare, issue.

The administration and Congress have cut child care by eliminating the \$200 million under title XX, by reducing overall title XX funding, and by eliminating CETA workers who staffed many centers. These action multiply the barriers which prevent workers—especially women—from seeking or retaining employment.●

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the yeas appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 191, nays 215, not voting 27, as follows:

[Roll No. 450]

YEAS—191

Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey (MO)
Benedict
Bereuter
Bethune
Bliley
Broomfield
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Campbell
Carman
Carney
Cheney
Clausen
Clinger
Coats
Coleman
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courtner
Coyne, James
Craig
Crane, Daniel
Crane, Phillip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Deckard
Derwinski
Dickinson
Dornan
Dreier
Duncan
Dunn
Edwards (AL)
Edwards (OK)
Emerson
Emery
English
Erdahl
Erlenborn
Evans (IA)
Fenwick
Fiedler
Fields
Findley
Fish
Forsythe
Fountain
Fowler
Frenzel
Gilman

Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Grisham
Gunderson
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hendon
Hiler
Hillis
Holt
Hopkins
Horton
Hubbard
Huckaby
Hunter
Clinger
Hyde
Ireland
Jeffords
Jeffries
Jenkins
Johnston
Kemp
Kramer
Lagomarsino
Latta
Leach
LeBoutillier
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McClary
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McKinney
Michel
Miller (OH)
Mitchell (NY)
Molinar
Montgomery
Moore
Moorhead

Morrison
Myers
Napier
Nelligan
Nichols
O'Brien
Oxley
Parris
Pashayan
Paul
Petri
Porter
Pritchard
Pursell
Quillen
Regula
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roemer
Rogers
Roth
Roukema
Rousselot
Rudd
Sawyer
Schneider
Sensenbrenner
Shaw
Shumway
Siljander
Skeen
Smith (AL)
Smith (NE)
Smith (OR)
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Staton
Stenholm
Stump
Synar
Tauke
Taubin
Taylor
Trible
Vander Jagt
Walker
Wampler
Weber (MN)
Weber (OH)
Whitehurst
Whittaker
Winn
Wolf
Wortley
Wyllie
Young (AK)
Young (FL)

NAYS—215

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
AuCoin
Bailey (PA)
Barnard
Barnes
Bedell
Bennett
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux

Brinkley
Brookhead
Brooks
Brown (CA)
Burton, Phillip
Byron
Chappell
Chisholm
Clay
Coelho
Collins (IL)
Conyers
Coyne, William
Crockett
D'Amours
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy

Downey
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Ertel
Evans (IN)
Fascell
Ferraro
Fithian
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson

Gephardt
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Hatcher
Hawkins
Hefner
Heftel
Hertel
Hightower
Holland
Howard
Hoyer
Hughes
Hutto
Jacobs
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kasper
Kennelly
Kildee
Kogovsek
LaFalce
Lantos
Leath
Leland
Long (LA)
Long (MD)
Lowry (WA)
Lukens
Lundine
Markay
Marks

Martinez
Matsui
Mattox
Mavroules
Mazzoli
McDade
McHugh
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Moakley
Mollohan
Mottl
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patman
Patterson
Pease
Pepper
Perkins
Peyser
Pickles
Price
Rahall
Rangel
Reuss
Rinaldo
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal

Russo
Sabo
Savage
Scheuer
Schumer
Seiberling
Shamansky
Shannon
Sharp
Shelby
Simon
Skelton
Smith (IA)
Smith (NJ)
Solarz
St Germain
Stark
Stokes
Stratton
Studds
Swift
Traxler
Udall
Vento
Volkmmer
Walgren
Washington
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whitten
Williams (MT)
Williams (OH)
Wirth
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki
Zeferetti

NOT VOTING—27

Beard
Bellenson
Bingham
Blanchard
Bolling
Burton, John
Chappie
DeNardis
Evans (DE)

Evans (GA)
Fary
Goldwater
Hagedorn
Heckler
Hollenbeck
Kindness
Lehman
Moffett

Railsback
Rhodes
Santini
Schroeder
Schulze
Shuster
Smith (PA)
Thomas
Wilson

□ 2020

The Clerk announced the following pairs:

On this vote;

Mr. Thomas for, with Mr. Fary against.

Mr. Chappie for, with Mr. John L. Burton against.

Mr. MOTTI changed his vote from "yea" to "nay."

Mr. DECKARD changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device and there were yeas 204, nays 200, not voting 29, as follows:

[Roll No. 451]

YEAS—204

Addabbo
Akaka
Albosta
Alexander
Andrews
Annunzio
Anthony
Aspin
AuCoin
Bailey (PA)
Barnard
Barnes
Bedell
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Bowen
Breaux
Brinkley
Brookhead
Brooks
Broomfield
Brown (CA)
Chappell
Chisholm
Clay
Coelho
Collins (IL)
Conyers
Coyne, William
Crockett
D'Amours
de la Garza
Dellums
Derrick
Derwinski
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Dwyer
Dymally
Early
Eckart
Edgar
Ertel
Evans (IN)
Fascell
Fazio
Ferraro
Findley
Fithian
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fountain
Fowler

Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Ginn
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hance
Harkin
Hawkins
Hefner
Heftel
Hertel
Holland
Howard
Hoyer
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
LaFalce
Lantos
Leath
Leland
Long (LA)
Long (MD)
Lowry (WA)
Lukens
Lundine
Madigan
Markay
Marks
Martinez
Matsui
Mattox
Mavroules
Mazzoli
McCurdy
McDade
McHugh
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Moakley
Mollohan
Murphy
Murtha
Natcher

Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patman
Patterson
Pease
Pepper
Perkins
Peyser
Pickles
Price
Rahall
Rangel
Reuss
Rinaldo
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Sabo
Scheuer
Schneider
Schumer
Seiberling
Shamansky
Shannon
Sharp
Simon
Skelton
Smith (IA)
Smith (NJ)
Solarz
St Germain
Stark
Stokes
Stratton
Studds
Swift
Traxler
Udall
Vento
Volkmmer
Walgren
Washington
Watkins
Waxman
Weaver
Weiss
White
Whitten
Williams (MT)
Williams (OH)
Wolpe
Wright
Wyden
Yates
Young (MO)
Zablocki
Zeferetti

NAYS—200

Anderson
Applegate
Archer
Ashbrook
Atkinson
Bafalis
Bailey (MO)
Benedict
Bennett
Bereuter
Bethune
Bliley
Bouquard
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Byron
Campbell
Carman
Carney

Cheney
Clausen
Clinger
Coats
Coleman
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courtner
Coyne, James
Craig
Crane, Daniel
Crane, Phillip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
Deckard

Dickinson
Dornan
Dreier
Duncan
Dunn
Dyson
Edwards (AL)
Edwards (OK)
Emerson
Emery
English
Erdahl
Erlenborn
Evans (IA)
Fenwick
Fiedler
Fields
Fish
Forsythe
Frenzel
Gingrich
Glickman

Goodling	Lujan	Roukema
Gradison	Lungrén	Rousselot
Gramm	Marlenee	Rudd
Green	Marriott	Sawyer
Gregg	Martin (IL)	Schroeder
Grisham	Martin (NC)	Sensenbrenner
Gunderson	Martin (NY)	Shaw
Hall, Ralph	McClory	Shelby
Hall, Sam	McCloskey	Shumway
Hamilton	McCollum	Siljander
Hammerschmidt	McDonald	Skeen
Hansen (ID)	McEwen	Smith (AL)
Hansen (UT)	McGrath	Smith (NE)
Hartnett	McKinney	Smith (OR)
Hatcher	Michel	Snowe
Hendon	Miller (OH)	Snyder
Hightower	Mitchell (NY)	Solomon
Hiler	Molinari	Spence
Hillis	Montgomery	Stangeland
Holt	Moore	Stanton
Hopkins	Moorhead	Staton
Horton	Morrison	Stenholm
Hubbard	Mottl	Stump
Hunter	Myers	Synar
Hyde	Napier	Tauke
Ireland	Nelligan	Tauzin
Jacobs	Nichols	Taylor
Jeffries	O'Brien	Tribe
Johnston	Oxley	Volkmer
Kemp	Parris	Walker
Kindness	Pashayan	Wampler
Kogovsek	Paul	Weber (MN)
Kramer	Petri	Weber (OH)
Lagomarsino	Porter	Whitehurst
Latta	Pritchard	Whitley
Leach	Pursell	Whittaker
LeBoutillier	Quillen	Winn
Lee	Regula	Wirth
Lent	Ritter	Wolf
Levitas	Roberts (KS)	Wortley
Lewis	Roberts (SD)	Wylie
Livingston	Robinson	Yatron
Loeffler	Roemer	Young (AK)
Lott	Rogers	Young (FL)
Lowery (CA)	Roth	

NOT VOTING—29

Badham	Edwards (CA)	Rollsback
Beard	Evans (DE)	Rhodes
Beilenson	Evans (GA)	Santini
Bingham	Fary	Schulze
Blanchard	Goldwater	Shuster
Bolling	Hagedorn	Smith (PA)
Burton, John	Heckler	Thomas
Burton, Phillip	Hollenbeck	Vander Jagt
Chappie	Lehman	Wilson
DeNardis	Moffett	

□ 2030

The Clerk announced the following pairs:

On this vote:

Mr. Fary for, with Mr. Thomas against.
Mr. John L. Burton for, with Mr. Chappie against.

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair recognizes the majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. SMITH of Oregon. Mr. Speaker, I have a preferential motion I send to the desk.

The SPEAKER. The gentleman will be seated. The Speaker has the right of recognition.

Mr. SMITH of Oregon. Mr. Speaker, I have a preferential motion.

Mr. WALKER. Regular order, Mr. Speaker.

□ 2040

The SPEAKER. The Chair recognizes the majority leader, the gentleman from Texas (Mr. WRIGHT).

LEGISLATIVE PROGRAM

Mr. WRIGHT. Mr. Speaker, let me simply announce for the benefit of the Members that it is our intention now to have no further votes tonight. We plan to take up the things that we put off last night in order that Members might go and attend the reception in the White House, the remaining suspension, as was agreed with the Republican leadership and our leadership last night, but we will not have any votes. We will roll the votes until tomorrow, let the votes be the first thing tomorrow.

We will come in at 10 o'clock tomorrow and the first order of business tomorrow then will be votes on the suspensions that have been debated tonight.

I think that is a fair arrangement, trying to accommodate everybody, as was agreed last night when we rose early and those who had suspension on the calendar accommodated the rest of us by postponing their suspension in order that Members and their families might attend the White House party.

Therefore, I would ask your cooperation and your good graces to permit us simply tonight to debate these suspensions and let their votes be rolled until tomorrow morning and they come the first thing tomorrow when we convene at 10 a.m.

PREFERENTIAL MOTION OFFERED BY MR. SMITH OF OREGON

Mr. SMITH of Oregon. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman will state his preferential motion.

Mr. SMITH of Oregon. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the preferential motion offered by the gentleman from Oregon (Mr. SMITH).

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. SMITH of Oregon. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 122, nays 202, not voting 109, as follows:

[Roll No. 452]

YEAS—122

Archer	Clinger	Derwinski
Ashbrook	Coats	Dornan
Atkinson	Coleman	Dougherty
Bailey (MO)	Collins (TX)	Dreier
Benedict	Conable	Duncan
Bereuter	Corcoran	Edwards (AL)
Bethune	Courter	Edwards (OK)
Bliley	Coyne, James	Emerson
Brown (CO)	Craig	Erlenborn
Brown (OH)	Crane, Daniel	Evans (IA)
Butler	Crane, Philip	Fenwick
Campbell	Daniel, R. W.	Fiedler
Carman	Dannemeyer	Fields
Carney	Daub	Frenzel
Cheney	Davis	Gingrich

Goodling	Lujan	Roth
Gradison	Lungrén	Roukema
Green	Marlenee	Rousselot
Gregg	Martin (IL)	Sawyer
Grisham	Martin (NC)	Schneider
Gunderson	Martin (NY)	Sensenbrenner
Hansen (ID)	McCollum	Shaw
Hansen (UT)	McDade	Shumway
Hartnett	McGrath	Siljander
Hendon	Michel	Skeen
Hiler	Miller (OH)	Smith (NE)
Hopkins	Molinari	Smith (NJ)
Hunter	Moore	Smith (OR)
Hyde	Moorhead	Snowe
Jeffries	Morrison	Solomon
Kemp	Napier	Stangeland
Kramer	Nelligan	Staton
Lagomarsino	Pashayan	Stump
LeBoutillier	Paul	Walker
Lee	Porter	Weber (MN)
Lent	Pritchard	Whitehurst
Lewis	Regula	Whittaker
Livingston	Ritter	Wolf
Loeffler	Roberts (KS)	Wortley
Lott	Robinson	Young (AK)
Lowery (CA)	Rogers	

NAYS—202

Akaka	Gonzalez	Oberstar
Albosta	Gore	Obey
Alexander	Gramm	Otinger
Anderson	Gray	Panetta
Andrews	Guarini	Parris
Anthony	Hall (IN)	Patman
Aspin	Hall, Ralph	Patterson
AuCoin	Hall, Sam	Pease
Bafalis	Hamilton	Pepper
Bailey (PA)	Hance	Perkins
Barnard	Harkin	Petri
Barnes	Hatcher	Pickle
Bedell	Hefner	Price
Bennett	Hertel	Pursell
Bevill	Hightower	Quillen
Boggs	Hillis	Rahall
Boland	Holt	Rangel
Boner	Horton	Ratchford
Bowen	Howard	Rinaldo
Breaux	Hoyer	Rodino
Brinkley	Hubbard	Roemer
Brown (CA)	Huckaby	Rosenthal
Broyhill	Hughes	Rostenkowski
Burton, Phillip	Hutto	Royal
Byron	Ireland	Rudd
Chappell	Jeffords	Russo
Coelho	Jenkins	Schumer
Coughlin	Jones (OK)	Seiberling
Coyne, William	Jones (TN)	Shamansky
D'Amours	Kastenmeier	Shannon
Daniel, Dan	Kazen	Sharp
Daschle	Kennelly	Shelby
de la Garza	Kildee	Skelton
Dellums	Kogovsek	Smith (IA)
Dickinson	LaFalce	Snyder
Dicks	Latta	Solarz
Dingell	Leach	Spence
Dixon	Leath	Stenholm
Donnelly	Levitas	Stokes
Dorgan	Lowry (WA)	Stratton
Dowdy	Luken	Studds
Dymally	Markey	Swift
Dyson	Marriott	Synar
Early	Martinez	Tauke
Eckart	Matsui	Tauzin
Edgar	Mavroules	Taylor
Emery	McCloskey	Traxler
English	McCurdy	Tribe
Erdahl	McDonald	Udall
Evans (IN)	McKinney	Vento
Fazio	Mica	Volkmer
Ferraro	Mikulski	Walgren
Fish	Miller (CA)	Wampler
Fithian	Mineta	Watkins
Florio	Minish	Waxman
Foglietta	Mitchell (NY)	Weaver
Foley	Moakley	Weiss
Ford (MI)	Mollohan	Whitley
Fountain	Montgomery	Whitten
Fowler	Mottl	Wolpe
Frank	Murphy	Wright
Frost	Murtha	Wyden
Gaydos	Myers	Wylie
Gejdenson	Natcher	Yatron
Gibbons	Neal	Young (FL)
Gilman	Nelson	Zablocki
Ginn	Nichols	
Glickman	Oakar	

NOT VOTING—109

Addabbo	Fascell	O'Brien
Annunzio	Findley	Oxley
Applegate	Flippo	Peyser
Badham	Ford (TN)	Railsback
Beard	Forsythe	Reuss
Beilenson	Fuqua	Rhodes
Biaggi	Garcia	Roberts (SD)
Bingham	Gephardt	Roe
Blanchard	Goldwater	Rose
Bolling	Hagedorn	Sabo
Bonior	Hall (OH)	Santini
Bonker	Hammerschmidt	Savage
Bouquard	Hawkins	Scheuer
Brodhead	Heckler	Schroeder
Brooks	Heftel	Schulze
Broomfield	Holland	Shuster
Burgener	Hollenbeck	Simon
Burton, John	Jacobs	Smith (AL)
Chappie	Johnston	Smith (PA)
Chisholm	Jones (NC)	St Germain
Clausen	Kindness	Stanton
Clay	Lantos	Stark
Collins (IL)	Lehman	Thomas
Conte	Leland	Vander Jagt
Conyers	Long (LA)	Washington
Crockett	Long (MD)	Weber (OH)
Deckard	Lundine	White
DeNardis	Madigan	Williams (MT)
Derrick	Marks	Williams (OH)
Downey	Mattox	Wilson
Dunn	Mazzoli	Winn
Dwyer	McClory	Wirth
Edwards (CA)	McEwen	Yates
Ertel	McHugh	Young (MO)
Evans (DE)	Mitchell (MD)	Zefiretti
Evans (GA)	Moffett	
Fary	Nowak	

□ 2050

Mr. BEDELL and Mr. BOLAND changed their votes from "yea" to "nay."

Mr. HUNTER and Mr. STUMP changed their votes from "nay" to "yea."

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will make the following statement:

It is the usual and customary practice in this House that when we come to the end of a proceeding, as we did, that the majority leader then announces the program for the remainder of the night. The majority leader had informed me that he was going to make that announcement. Normally it is a unanimous-consent request, and that is what the Chair anticipated that the majority leader would do.

It is the prerogative and the duty of the Speaker of the House to run this body in an expeditious manner and he should be informed when motions are going to be made, whether they are privileged or otherwise, and when he is suddenly confronted with a privileged motion, then it is my opinion, while the Chair appreciates that he follows the rules of the House, it does not improve the decorum of the House. The Speaker at all times tries to be fair, and thought he was being fair with the Members when he was recognizing the majority leader to inform the

membership what the program was for the remainder of the evening.

If the minority leader has anything to say, the Chair would be delighted to hear from him at this time.

Mr. MICHEL. The gentleman has nothing to say other than what I understand the agreement to be from this point on, Mr. Speaker, that the five bills in question will be taken up in sequence here and that the votes would be put off until tomorrow, if there is a vote demanded, and those votes would be the first order of business tomorrow.

The SPEAKER. The Chair was about to make that statement, Mr. Minority Leader.

ANNOUNCEMENT BY THE SPEAKER

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

Such rollcall votes, if postponed, will be taken on Wednesday, December 15, 1982.

□ 2100

PERMISSION TO PRINT IN CONGRESSIONAL RECORD REPORT OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. STOKES. Mr. Speaker, by direction of the Committee on Standards of Official Conduct, I ask unanimous consent that the report of that committee (H. Rept. No. 97-965) filed today, be printed in today's edition of the CONGRESSIONAL RECORD.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to inquire of the gentleman whether or not this has been cleared with the minority.

Mr. STOKES. The ranking minority member of our committee was one of the members who voted for the resolution asking that this be done in the House.

Mr. WALKER. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

OREGON WILDERNESS ACT OF 1982

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7340) to designate cer-

tain national forest system lands in the State of Oregon for inclusion in the national wilderness preservation system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 7340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oregon Wilderness Act of 1982".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act, the following lands, as generally depicted on maps, appropriately referenced, dated December 1982 (except as otherwise dated), are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Mount Hood National Forest, which comprise approximately forty thousand nine hundred acres, are generally depicted on a map entitled "Columbia Gorge Wilderness—Proposed", and shall be known as the Columbia Gorge Wilderness;

(2) certain lands in the Mount Hood National Forest, which comprise approximately fifty-five thousand acres, are generally depicted on a map entitled "Salmon-Huckleberry Wilderness—Proposed", and shall be known as the Salmon-Huckleberry Wilderness;

(3) certain lands in the Mount Hood National Forest, which comprise approximately twenty-seven thousand acres, are generally depicted on a map entitled "Badger Creek Wilderness—Proposed", and shall be known as the Badger Creek Wilderness;

(4) certain lands in the Mount Hood National Forest and the Willamette National Forest, which comprise approximately forty-seven thousand acres, are generally depicted on a map entitled "Hidden Wilderness—Proposed", and shall be known as the Hidden Wilderness;

(5) certain lands in the Willamette National Forest, which comprise approximately twenty thousand acres, are generally depicted on a map entitled "Middle Santiam Wilderness—Proposed", and shall be known as the Middle Santiam Wilderness: *Provided*, That, the Secretary of Agriculture upon enactment of this Act shall terminate all existing contracts for the sale of timber within the Middle Santiam Wilderness as designated by this Act. The Secretary shall compensate the owners of such contracts by offering to sell them similar contracts of approximately equal volumes and values of timber. Such compensatory sales shall be carried out on a negotiated basis;

(6) certain lands in the Siuslaw National Forest, which comprise approximately six thousand five hundred acres, are generally depicted on a map entitled "Rock Creek Wilderness—Proposed", and shall be known as the Rock Creek Wilderness;

(7) certain lands in the Siuslaw National Forest, which comprise approximately eight thousand eight hundred acres, are generally depicted on a map entitled "Cummins Creek Wilderness—Proposed", and shall be known as the Cummins Creek Wilderness;

(8) certain lands in the Umpqua National Forest, which comprise approximately nineteen thousand eight hundred and twenty acres, are generally depicted on a map entitled "Boulder Creek Wilderness—Proposed", and shall be known as the Boulder Creek Wilderness;

(9) certain lands in the Umpqua and Rogue River National Forests, which comprise approximately fifty-five thousand acres, are generally depicted on a map entitled "Rogue-Umpqua Divide Wilderness—Proposed", and shall be known as the Rogue-Umpqua Divide Wilderness;

(10) certain lands in and adjacent to the Siskiyou National Forest, which comprise approximately twenty-two thousand acres, are generally depicted on a map entitled "Grassy Knob Wilderness—Proposed", and shall be known as the Grassy Knob Wilderness;

(11) certain lands in and adjacent to the Siskiyou and Rogue River National Forests, which comprise approximately twenty-six thousand acres, are generally depicted on a map entitled "Red Buttes Wilderness—Proposed", and shall be known as the Red Buttes Wilderness;

(12) certain lands in the Umpqua, Willamette, Deschutes, and Winema National Forests, which comprise approximately one hundred and fifty-five thousand acres, are generally depicted on a map entitled "Diamond-Thielsen Wilderness—Proposed", and which are hereby incorporated in and shall be deemed to be a part of the Diamond Peak Wilderness and designated by Public Law 88-577: *Provided*, That, the existing Diamond Peak Wilderness together with the additions thereto of this Act shall henceforth be known as the Diamond-Thielsen Wilderness;

(13) certain lands in the Rogue River and Winema National Forests, which comprise approximately one hundred and thirteen thousand acres, are generally depicted on a map entitled "Sky Lakes Wilderness—Proposed", and shall be known as the Sky Lakes Wilderness;

(14) certain lands in the Fremont National Forest, which comprise approximately seven thousand eight hundred and twenty-five acres, are generally depicted on a map entitled "Coleman Rim Wilderness—Proposed", and shall be known as the Coleman Rim Wilderness;

(15) certain lands in the Ochoco National Forest, which comprise approximately seven thousand one hundred acres, are generally depicted on a map entitled "Bridge Creek Wilderness—Proposed", and shall be known as the Bridge Creek Wilderness;

(16) certain lands in the Ochoco National Forest, which comprise approximately fourteen thousand four hundred acres, are generally depicted on a map entitled "Mill Creek Wilderness—Proposed", and shall be known as the Mill Creek Wilderness;

(17) certain lands in the Ochoco National Forest, which comprise approximately thirteen thousand four hundred acres, are generally depicted on a map entitled "Ochoco Canyon Wilderness—Proposed", and shall be known as the Ochoco Canyon Wilderness;

(18) certain lands in the Wallowa-Whitman, Malheur, and Umatilla National Forests, which comprise approximately two hundred and five thousand acres, are generally depicted on a map entitled "North Fork John Day Wilderness—Proposed", and shall be known as the North Fork John Day Wilderness;

(19) certain lands in and adjacent to the Wallowa-Whitman National Forest, which comprise approximately thirty-one thousand acres, are generally depicted on a map entitled "Joseph Canyon Wilderness—Proposed", and shall be known as the Joseph Canyon Wilderness;

(20) certain lands in the Willamette and Mount Hood National Forests, which com-

prise approximately thirteen thousand five hundred acres, are generally depicted on a map entitled "Mount Jefferson Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of, the Mount Jefferson Wilderness as designated by Public Law 88-577;

(21) certain lands in the Willamette and Deschutes National Forests, which comprise approximately six thousand acres, are generally depicted on a map entitled "Mount Washington Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of, the Mount Washington Wilderness as designated by Public Law 88-577;

(22) certain lands in the Willamette and Deschutes National Forests which comprise approximately thirty-six thousand acres, are generally depicted on a map entitled "Three Sisters Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of, the Three Sisters Wilderness as designated by Public Laws 88-577 and 95-237;

(23) certain lands in the Winema National Forest which comprise approximately three thousand acres, are generally depicted on a map entitled "Mountain Lakes Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of, the Mountain Lakes Wilderness as designated by Public Law 88-577;

(24) certain lands in the Fremont National Forest which comprise approximately three thousand seven hundred and thirty acres, are generally depicted on a map entitled "Gearhart Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of, the Gearhart Mountain Wilderness as designated by Public Law 88-577;

(25) certain lands in the Malheur National Forest which comprise approximately thirty-five thousand one hundred acres, are generally depicted on a map entitled "Strawberry Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of, the Strawberry Mountain Wilderness as designated by Public Law 88-577; and

(26) certain lands in the Wallowa-Whitman National Forest which comprise approximately thirty-four thousand three hundred acres, are generally depicted on a map entitled "Eagle Cap Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of, the Eagle Cap Wilderness as designated by Public Laws 88-577 and 92-521.

SEC. 3. (a) In furtherance of the purposes of the Wilderness Act, the following lands shall be reviewed by the Secretary of Agriculture as to their suitability for preservation as wilderness. The Secretary shall submit his report and findings to the President, and the President shall submit his recommendation to the Congress of the United States no later than three years from the date of enactment of this Act:

(1) certain lands in the Willamette National Forest which comprise approximately forty thousand acres, are generally depicted on a map entitled "Old Cascades Wilderness Study Area", dated December 1982, and which shall be known as the Old Cascades Wilderness Study Area;

(2) certain lands in the Willamette National Forest which comprise approximately sixty-five thousand acres, are generally depicted on a map entitled "Waldo Lake Wilderness Study Area", dated December 1982, and which shall be known as the Waldo Lake Wilderness Study Area; and

(3) certain lands in and adjacent to the Willamette and Umpqua National Forests which comprise approximately seven thousand five hundred acres, are generally depicted on a map entitled "Hardesty Mountain Wilderness Study Area", dated December 1982, and which shall be known as the Hardesty Mountain Wilderness Study Area.

(b) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

SEC. 4. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary concerned in accordance with the provisions of the Wilderness Act: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 5. As soon as practicable after enactment of this Act, a map and a legal description of each wilderness area shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and each such map and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service Department of Agriculture.

SEC. 6. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Oregon and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to National Forest System lands in States other than Oregon, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Oregon;

(2) with respect to the National Forest System lands in the State of Oregon which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II), except those lands remaining in further planning upon enactment of this Act, and those lands designated for wilderness study in section 3 of this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of Oregon reviewed in such Final Environmental Statement and not designated as wilderness or for study by Congress or remaining in further planning upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide Roadless Area Review and Evaluation of National Forest System lands in the State of Oregon for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

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

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

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

Mr. Speaker, I rise in strong support of H.R. 7340, the Oregon Wilderness Act of 1982. This bill represents a long overdue solution to the question of which national forest roadless lands in Oregon shall be designated wilderness, and which roadless lands will be made available for uses other than wilderness in accordance with Forest Service land management planning process. In so doing, the bill would add 26 areas in Oregon to the National Forest Service System totaling approximately 1,006,000 acres, and earmark another 112,000 acres for further wilderness study. Of roadless lands reviewed for wilderness potential by the Forest Service, roughly two-thirds would be released for uses other than wilderness.

Mr. Speaker, it is important that we act on this at this time. The Ninth Circuit Court of Appeals has upheld the decision of the district court in a case in California to the effect that the Forest Service, in deciding which lands should be recommended for wilderness designation by Congress, failed to carry out the requirements of the environmental laws, and therefore is going to have to do it all over again. This affects all of the States in that circuit, obviously, and means that all the roadless areas in the national forest will be tied up until such time as the Congress decides which ones should be put in wilderness and which should not. So, it is important that we act on this for purposes of providing the certainty that is needed for further investment in the timber and other industries, and it is also important from the standpoint of ending the long uncertainty that resulted from the failure of the Congress to act in the past on the Oregon wilderness issue.

Mr. Speaker, there are some who have characterized H.R. 7340 as a bill which would add disproportionate amounts of land and timber to wilderness, while ignoring the "development" side of the equation and uses such as timber harvest and mining. Nothing could be further from the truth. If H.R. 7340 is enacted into law, the wilderness and potential wilderness lands in Oregon will amount to roughly 2.5 million acres. Every single Western State, with the exception of the relatively arid States of Nevada, Utah, and Arizona, currently has a larger percentage of its national forest lands designated as wilderness or potential wilderness.

On the other side of the equation, if H.R. 7340 is enacted, roughly 84 percent of the national forest lands in the State will remain available for development type uses and motorized recreation. In terms of timber production, approximately 97 percent of the State's potential yield would remain outside wilderness or potential wilderness. It is also extremely important to bear in mind that the wilderness designations of H.R. 7340 protect uses and values that over the long run may provide more economic benefits to Oregon's economy than would the traditional extractive industries. In particular, many of the wilderness proposals and boundaries of the bill are drawn to provide protection for jeopardized anadromous fish runs and spawning grounds, which contribute millions of dollars annually to the economy. Studies in some areas suggest that the long-term economic values of these fisheries is greater than the timber potential. In addition, the wilderness designation of H.R. 7340 will provide economic benefits by maintaining high quality and quantity water flows for municipal and agricultural use; protecting key use areas for hunters, fishermen and the fast growing primitive recreation industry; and preserving the type of clean and beautiful outdoor environment that attracts high technology industry and workers to States such as Oregon. So I submit that H.R. 7340 makes good sense from an economic, as well as an aesthetic and recreation standpoint.

In summary, Mr. Speaker, I believe H.R. 7340 is a balanced bill which designates critical lands for wilderness protection and "releases" other lands for important uses such as timber harvest. I urge my colleagues support of the bill.

I would say it comes after three separate hearings in Oregon, and field trips by members of the committee, including myself, and it also comes after a full hearing in Washington. It does seem to me that we have an adequate record on which to base our decisions.

I would like to commend the gentleman from Oregon (Mr. WEAVER), a member of our committee, who has

taken an active role in promoting a resolution of this, and also the gentleman from Oregon (Mr. AuCoin) who has similarly taken a leadership role in working out this complicated legislation, as well as a newer Member, RON WYDEN, also from Oregon.

Of course, I also wish to thank the chairman of our committee, the Honorable MORRIS UDALL.

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

Mr. SEIBERLING. I will yield to Mr. UDALL.

Mr. UDALL. Mr. Speaker, I want to compliment the Oregon delegation members the gentleman just referred to, and the chairman of the subcommittee, the able gentleman from Ohio. We have a lot of difficulty and slowdown with some of these wilderness bills, but we are gradually and steadily completing this job. It took 20 years to make the studies, or almost 20 years, and we are now in the process of putting the final pieces of the wilderness system together. This is an important bill in that respect. I congratulate the gentlemen for it, and I offer my strong support of the legislation.

Mr. SEIBERLING. I thank the gentleman.

Mr. SMITH of Oregon. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield.

Mr. SMITH of Oregon. Mr. Speaker, I wonder if I might have a colloquy with the chairman, the gentleman from Ohio.

How long has this bill been introduced into the House of Representatives?

Mr. SEIBERLING. Well, the bill was only introduced 2 weeks ago. However, as the gentleman knows, the RARE-II recommendations and the whole RARE-II issue have been pending before the committee for several years. This bill simply finally pulls some unanswered issues together and makes a recommended decision on the basis of studies we have made of the whole Oregon National Forest Wilderness issue. Many of the wilderness proposals in this bill are identical to the proposals contained in Senator HATFIELD's bill in the last Congress.

Mr. SMITH of Oregon. I believe it was introduced about the first of December, and I believe we have had one hearing, which was last week, is that not correct, on the bill itself?

Mr. SEIBERLING. That is correct, but as the gentleman knows, we often have extensive hearings on proposed legislation, after which, on the basis of the information thus derived, we put together in final form a bill which we take to the floor. Interestingly enough, we often do that without even the benefit of a further hearing. In this case, after we put together the final version, we then held a hearing in Washington, in which testimony

was given by representatives of this administration, the timber industry and environmental organizations.

Mr. SMITH of Oregon. That hearing was held on the sixth of December; is that right?

Mr. SEIBERLING. I believe that is the correct date.

□ 2110

Mr. SMITH of Oregon. How long was that hearing?

Mr. SEIBERLING. The hearing lasted most of the morning.

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

Mr. SEIBERLING. I yield to the gentleman from Oregon.

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

Mr. Speaker, I want to say to my good friend—and he is my dear friend—the distinguished gentleman from Oregon (Mr. SMITH) who is one of my colleagues that I cherish, that there were six hearings held in Oregon on the wilderness issue in this session of Congress, three by my subcommittee.

Mr. SMITH of Oregon. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. Mr. Speaker, I am sure the gentleman from Ohio would be delighted to yield to the gentleman in a bit, but first I would like to finish my statement.

Three hearings were held by my Forest Subcommittee, and three were held by my subcommittee chaired by the gentleman from Ohio (Mr. SEIBERLING), all dealing with the economics and specific wilderness areas in Oregon. That is six total hearings in this session of Congress, six hearings in Oregon.

And I say to my dear friend, the gentleman from Oregon, that my dear friend protested those hearings. He attacked me in the press for holding those hearings. He did not even come to those hearings, even though he was invited. He did not even come to the hearing in his own congressional district to represent his district in those hearings. We pleaded with him, we begged him to come to those hearings.

Mr. SMITH of Oregon. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. We asked him to come so we could get his input on the issue, but he refused to come and instead attacked us for holding these field hearings on the issue in Oregon. I am sorry that that had to be the case.

Then Senator HATFIELD in the prior session of Congress held three hearings in Oregon on the wilderness bill he had introduced and passed in the Senate. Then another hearing was held in Washington, D.C., for a total of 10 hearings on this issue, not to mention the dozens of roadless area review studies and administrative hearings held on this issue.

We have been trying to resolve RARE-II for many, many years, and it

is essential to our timber economy, which I know the distinguished gentleman from Oregon (Mr. SMITH) cherishes and tries to support just as much as I do. It is essential to the timber industry of Oregon that this issue be resolved. It must be resolved; it has to be. A RARE-II bill must be passed.

Mr. SMITH of Oregon. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. And it has to be done very soon because of the threat of the Ninth Circuit Court of Appeals decision in the State of California case, which at any moment, even tomorrow, could lock up our entire roadless areas of Oregon just like that, without any questions asked, and, therefore, it would bring our entire timber industry to a halt.

So this issue must be addressed. It must be addressed as soon as possible because of the jeopardy our timber industry is in, and I ask the gentleman to simply state what actually happened in terms of the hearings we held in Oregon and the great amount of study we have given to this issue.

Mr. SMITH of Oregon. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. I must return the time to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I do not wish to yield at this time. The gentleman will have his time.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as to what we are about to do tomorrow on this bill, it has been badly represented by those who are supporting it. We have been told that there is a great rush and need for this.

I would like to stress this matter and compliment the gentleman from Oregon (Mr. SMITH) for bringing forth the fact that we have had this bill 14 days or less. There have been no actual hearings on this legislation regardless of what my good chairman says. The Governor of Oregon opposes the bill, and the timber industry opposes it. It has created a false emergency. It covers 600 and some odd million acres, more than any other bill had ever imposed, including that of the Senator from Oregon, Mr. HATFIELD. We will lose 200 million board feet of timber per year, and it is valued at \$44 to \$60 million a year that will be lost.

I think the thing that hurts me the most is that my good friend, the gentleman from Oregon (Mr. WEAVER) has stated these things in his great hearings:

On February 19, in Salem, Oreg., he said:

I will not allow testimony on any specific wilderness areas or forests. That will come when, as I intend to do, I introduce an

Oregon wilderness bill that will include specific wildernesses. The hearings will be held of course eventually on the specific forest areas. At that time we will take up what is suitable for each area and which are suitable for inclusion in the forest system.

Today we are concerned primarily with balance.

In Bend, Oreg., on February 20, 1981, the gentleman from Oregon (Mr. WEAVER) said this:

I intend to introduce after these hearings a wilderness bill which will include the actual specific wilderness areas. At that time we will hold hearings throughout Oregon to see the effect of and the desirability of these specific areas in their particular locales.

This hearing will have nothing to do with specific land areas. It is a hearing designed to determine what we think is a decent balance between the various multiple uses of your forest, the timber harvest, the commercial harvest land and wilderness land.

In Medford, Oreg., on February 21, 1981, he said:

With that, I want to say that upon the conclusion of these hearings, and this is the last one, that I will soon be introducing a bill for all of Oregon which will include specific land areas proposed for wilderness.

First, I want to get the moderation, the balance, and then we will go on to specific land areas proposed for wilderness. Then we will come back in several months and hold hearings throughout Oregon on these specific proposals. At that time then we will want testimony as to the effect on each land area, its merit for wilderness, its effect on the local area. We will have full hearings on those, and I can assure you, anyone who wants to testify in these hearings, I will want to hear them.

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

Mr. YOUNG of Alaska. Mr. Speaker, I sincerely ask the gentleman to listen to what I have just said. This is all in 1981, and we are in 1982. The bill has been introduced, and we have never had any hearings. This is the man who is promoting this.

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

Mr. YOUNG of Alaska. I yield to the gentleman for just one-half second.

Mr. WEAVER. Mr. Speaker, I just want to say, yes, the first three hearings were on the economic effect of the wilderness and what comprised moderation and balance. They were very helpful hearings, and we arrived at 2 percent of the timber as a modest and balanced amount. That is what we have in this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I will reclaim the balance of my time.

What I am stressing here is full hearings across the State of Oregon, and their effect on the locale. Now, the way this thing has been run tonight is absolutely a disaster as far as I am concerned. First, the gentleman from Oregon was not properly recognized, and he was gavelled down very, very quickly. I think that was wrong. He has a right to protect his interests.

He has not been protected in the committee.

Second, we are here tonight debating the bill, and let us face it, there are not that many around listening to this program, but I hope that the Members remember tomorrow that this used to be a representative forum of government, a body that had representatives that spoke to those people, and they should be listened to. I have heard my good friend, the subcommittee chairman, the gentleman from Ohio, say that collectively and nationally we must consider this. Forget the little man, forget the jobs in the timber industry, forget the local input, and listen to the special interest groups, the Sierra Club, the Friends of the Earth, all these different groups of lobbyists and lawyers out here that camp out in certain Members' offices. Forget the people out there who are affected each day.

All I can say is that the gentleman from Oregon, Mr. SMITH, since it affects his district, does not want this bill with his district being affected, nor does the newly elected Member from Oregon want it. If the gentleman from Oregon (Mr. WEAVER) wants it in his district, let us write that area up and I will support him in it.

□ 2120

If the gentleman from Oregon (Mr. AuCOIN) wants it, I will support him in that area. But let us not start taking everybody's name in the national collective interest and putting areas in wilderness.

I am going to do everything in my power, as I said, on tomorrow to defeat this legislation that has been poorly drafted, poorly conceived, and very badly put upon the Members of this House.

I reserve the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. AuCOIN).

Mr. AuCOIN. Mr. Speaker, from those who oppose the bill, with the attacks you have heard on this question of hearings, if you listen to those attacks you would come to the belief that somehow the Oregon delegation as a whole has prevented the people of Oregon from speaking either to the macro questions of wilderness in this or in terms of the total amount of acreage or the specific locations that are candidates for wilderness.

The truth of the matter is that that is just not so. Senator HATFIELD, the dean of this delegation held three field hearings across the length and breadth of Oregon taking testimony on specific issues, specific candidate wilderness areas. The gentleman from Oregon (Mr. SMITH) knows that.

My colleague, Mr. WEAVER, held seven hearings both on the aggregate totals that ought to be appropriate for a wilderness bill and on specific ques-

tions. There were a total of 10 hearings.

If anyone in this Chamber believes that the Oregon delegation has been somehow remiss in letting Oregonians speak out on this bill they are sadly mistaken.

MARK HATFIELD, a man I respect, who is from this gentleman's side of the aisle, chairs the Senate Appropriations Committee and he is an honorable man. He is sitting over in the other body tonight waiting for the Oregon bill to be sent over to him. He believes, and the junior Senator believes, that this bill, if passed over there, can be approved at a decent acreage level that all parties can agree to, all reasonable parties can agree to.

We believe there is a majority in the delegation that is reasonable, and that we can get this issue behind us.

We have a bipartisan approach. It is regrettable that the gentleman from Oregon (Mr. SMITH) somehow thinks that we can solve the lockup of the 3 million acres of roadless acres in Oregon by passing release language for all 3 million acres. But anybody in this Chamber who has been through this issue before knows that that is simply not practical.

One can fantasize and believe in his fantasy that it can be done but obviously there are enough votes in the House and in the other body on the part of those who want some degree of acreage for wilderness, there are enough votes among those to cancel out and veto such an approach.

So what, then, is the approach? To unlock 3 million acres of roadless areas that are now totally tied up by a 9th circuit court decision. It does not take a genius to figure it out. It is to strike a balance, to release those acres that makes sense for commercial development.

We release 2 million acres and preserve 1 million acres for wilderness protection.

Time is brief and it is difficult to go through the numbers. But let me conclude by saying in terms of describing what is a reasonable compromise Oregon's national forests have approximately 11 million acres of commercial forest lands in them. This bill, by releasing 2 million acres of roadless areas, increases that amount to 13 million acres, over 13 million acres of multiple use commercial forest lands.

By preserving 1 million acres of pristine areas for wilderness protection we bring the total in Oregon in the wilderness system to 2 million acres of wilderness; 13 million acres on the one hand to logging and use for multiple use and 2 million for the enjoyment of all people, the preservation of wildlife, the preservation of genetic diversity in our national forests, backpacking, the preservation of wild salmon streams, and habitats. I think that 13 million acres figure for commercial lands and

2 million acres figure for wilderness is a reasonable proposition.

It is at least reasonable enough to attract the interest of the two Republican Senators from the State of Oregon and all of the Democrats in the House.

I urge your support of this legislation.

Mr. SEIBERLING. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WYDEN).

Mr. WYDEN. I thank the gentleman for yielding.

Mr. Speaker, I rise today to speak on behalf of legislation which I believe will allow the forest products industry, recreationalists, and environmentalists in Oregon to get about the business of planning a productive, healthy, and environmentally sound future for our State.

When I joined my colleagues, Mr. AuCOIN, and Mr. WEAVER, in introducing the Oregon Wilderness Act of 1982 last week, I described the bill as representing a series of pluses for our State.

I still feel that way.

The Oregon Wilderness Act of 1982 is a plus for those of us committed to protecting Oregon's great natural resources because it sets aside land that will be maintained in its pristine beauty.

This bill will enhance the recreational opportunities available to residents within the State and contribute to Oregon's longstanding appeal to tourists.

It will also preserve headwaters of key streams and rivers indispensable to the long-range enhancement of our salmon runs, a task of utmost priority.

But the bill is also a plus for the forest products industry—an industry which is the economic mainstay of our State, but which has been devastated by the current recession.

The major reason for the downturn in the forest industry's fortunes is a lack of market for its goods. This slowdown in demand has affected not only domestic markets, but Oregon's international market as well.

Opponents of the Oregon Wilderness Act of 1982 would have us believe that it will only make matters worse for the hard-hit industry. I don't believe that's true.

First of all, by resolving the present uncertainty over some 3 million acres of land, the bill increases, not decreases, the amount of land available for use by the wood products industry. Once the timber industry depression ends, the industry would have some 2 million acres of additional land available under this bill.

But second, this bill allows the forest products industry to put its house in order—and it does so at a time when order is desperately needed.

To date, the wilderness debate has been marked by uncertainty—uncertainty as to where the wilderness areas

will be—and how extensive they will be.

That cloud of uncertainty now has been darkened further by the Ninth Circuit Court of Appeal's decision nullifying the Forest Service's resource planning in California.

As Oregon is in the ninth circuit, we must consider the possibility that a companion suit might be filed, challenging Forest Service planning in Oregon. We must also consider the likelihood that such a suit would prevail—sending the Forest Service back to the drawing board, forcing wilderness advocates and the timber industry alike to once again renew an arduous and time-consuming hearings process that could take well beyond 1985 to complete.

We must remove this cloud of uncertainty for the good of the forest products industry—as much as for the good of the other parties.

If we do not, we increase the risk that court actions could lock up timber needed for local and international markets. We also increase the risk of commercial development that might harm potential wilderness areas.

I believe the Oregon Wilderness Act of 1982 is the hallmark of compromise—and for that, I tip my hat to Mr. WEAVER and Mr. AUCOIN who crafted it.

This bill does not give industry everything it wants, nor, does it give the environmental community all that it wants.

What it does is strike a happy medium. It gives industry an additional 2 million acres of land for its use, and it designates another 1 million acres in Oregon's national forests as wilderness.

The wilderness areas represent only a small amount of usable timber—approximately 2 percent of the total allowable cut. What is more, these protected areas are some of the worst commercial timberlands. That is why many of these areas are still roadless.

In conclusion, Mr. Speaker, I would like to note how appropriate it would be for a lameduck Congress preoccupied with rebuilding our infrastructure to preserve what is one of the central components of our infrastructure—wilderness.

Wilderness is much more than some "playground for the hale and hearty environmentalist." It is the watersheds from which we derive clean drinking water; it is the breeding and wintering grounds for our wildlife, so important to hunters; and it is the spawning grounds for the great salmon of the Pacific Northwest, upon which a \$150 million per year commercial fishing industry depends.

I represent the most urbanized district in Oregon—a district which receives the smallest amount of wilderness under this bill. But it is also a dis-

trict with perhaps the largest number of wilderness advocates.

Many of the city dwellers in my district derive tremendous satisfaction from just knowing such areas exist to "get away from it all". Regardless of whether they actually do get away to wilderness, the psychic benefit of knowing it is there remains.

Wilderness is a hallmark of American history—there were always new frontiers to be conquered. Now there are no more frontiers to conquer in this country.

But we can act to preserve what land we do have in its natural, pristine state, so generations to come will not be denied the opportunity to share that tradition, to know what the frontier once was and the special role it has played in America's westward movement.

And we can do that without jeopardizing economic development in our State.

I urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Speaker, prior to yielding to the gentleman from Oregon (Mr. SMITH) I yield myself such time as I may consume.

I would like to ask the gentleman who just preceded me how many acres is in the gentleman's district of this 6 million? How many acres are in the gentleman's district?

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

Mr. YOUNG of Alaska. I yield to the gentleman.

Mr. WYDEN. My district has a number of areas. I cannot give the gentleman a specific number.

Mr. YOUNG of Alaska. To be specific, the gentleman has 20,000 acres involved out of 1 million. The rest involved is from the district of the gentleman from Oregon (Mr. SMITH) and his area is in the majority, in fact some 700,000-odd acres in two districts.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. SMITH).

(Mr. SMITH of Oregon asked and was given permission to revise and extend this remarks.)

Mr. SMITH of Oregon. Mr. Speaker, I think this is a very interesting time here where we have created an emergency on something that has been going on in Oregon for a long time. We have held one hearing since this bill was introduced on the first day of December. That was on the 6th of December.

We had field hearings on another bill in Oregon. They were not specific in nature. They did not try to define the lines of what we were going to lock up.

I am proud of the fact that Oregon and Oregonians have taken good care of the land and the trees and the water that we have.

□ 2130

We have a great pride. But we also have people who are involved in trying to make a living in our State, and throughout that State today we have a lot of people unemployed. And I would just like to point out that we also have a lot of people who are employed who are unhappy with this bill.

I would like to start with Gov. Victor Attyeh, who was just reelected for his second term as the chief executive of our State. He is in strong opposition to this locking up, nearly doubling of the wilderness acreage in the State of Oregon. I cannot think of anything worse for our economy or for this Nation today than trying to double the amount of wilderness area, the amount of timber that is pulled out of production.

I would like to read to the House a portion of a letter that was sent by Mr. Jim Bledsoe, who is the executive secretary of the Western Counsel of Lumber Production & Industrial Workers. This was written on the third day of December. I will quote from it. And I would like to put the entire document in the RECORD.

Let me say from the outset that your specious comments regarding this bill have succeeded in deceiving no one in the industry. To tout this bill as an attempt to save our industry, gentlemen, when it will in fact double Oregon's current wilderness acreage is nothing short of conspired subterfuge on your parts. Why not portray the bill's intended purpose—additional resource set asides, and its inevitable consequences, additional unemployment, as they really are. Why the publicity smokescreen. It seems almost trite to have to remind you as Oregon's U.S. Representatives that your State currently faces a 11.5 percent unemployment rate and that such timber dependent counties as Coos and Douglas are plagued with rates of 12 and 15 percent respectively. These figures do not even include the many, many people who have been out of work for two years or more nor the thousand people that exhaust their unemployment benefits in Oregon each and every week.

Gentleman, how is it possible that you propose to exacerbate these moribund statistics. Revenues from timber sales, they have already been halved this year. Do you propose fiscal strangulation next year? Please do not overlook the devastating impact that additional wilderness designations will have on the economies of the specific communities located in their midst.

I understand from further discussion with Mr. Bledsoe that their estimate is that we will lose some 6,000 to 8,000 potential jobs by locking up these specific areas.

The RARE-II recommendations were for 427,000 acres. The proposal we have before us is for 1,120,000 in round numbers, acreage. I think that is atrocious at this particular time.

When I look at the congressional districts, there is—the Speaker talked earlier about a decorum in the House and about the way that we do business. And I am a freshman Member of

this body for the next few days, until the 98th Congress is sworn in. And I do not know all the rules. But I do know that normally the Member whose district is affected is allowed some kind of priority.

I would just point out that in the new redistricting that we have in the State of Oregon we have five districts. District No. 1, which Mr. AuCoin, who is the sponsor of the bill, represents has zero acres. District No. 2, which my successor, Mr. BOB SMITH, will represent, has 635,000 acres. District No. 3 has approximately 20,000 acres in it. That is Mr. WYDEN's district. District No. 4, which Mr. WEAVER represents, and is a sponsor of the bill, has 245,000 acres. And District No. 5, the district that I will be representing after the 3d of January, has some 105,000 acres. So that it is hard to tell where the boundaries are at this present time. But I represent some 700,000 of these acres. That means that the bulk of the unemployment in our timber industry will be in the present district. And let me say that it is in very dire economic straits.

I think that the way this bill has been railroaded through the House, I recommended in the committee when we lost on a party line vote on Monday that we rename this bill the Oregon antijobs bill of 1982. I cannot think of anything we need less than more wilderness acreage at this time. I fail to see the urgency. I think that my substitute to offer language which would have made the court decision sufficient would have been the way to handle this. We can handle the additional acreage, if that is necessary, in the 98th Congress, where we can hold hearings with the new Members of this body, very carefully being able to look at the situation and help represent the constituents in the second district. At this point I include the following:

WESTERN COUNCIL,
LUMBER, PRODUCTION AND
INDUSTRIAL WORKERS,

Portland, Ore., December 3, 1982.

To: Congressmen Les AuCoin, Jim Weaver and Ron Wyden.

From: Jim Bledsoe, Executive Secretary, Western Council LPIW.

Subject: Oregon Wilderness Act of 1982.

DEAR SIRS: Once again the LPIW has had to rely on the newspapers in order to get even a few details on yet another injurious wilderness bill. Experience teaches us that surreptitious legislation portends an attempted coup.

Let me say from the outset that your specious comments regarding this bill have succeeded in deceiving no one in the industry. To tout this bill as an attempt to save our industry gentlemen, when it will in fact double Oregon's current wilderness acreage, is nothing short of conspired subterfuge on your parts. Why not portray the bill's intended purpose—additional resource set asides, and its inevitable consequences—additional unemployment as they really are? Why the publicity smokescreen?

It seems almost trite to have to remind you, as Oregon's U.S. Representatives, that your state currently faces an 11.5% unemployment rate and that such timber-dependent counties as Coos and Douglas are plagued with rates of 12% and 15% respectively. These figures do not even include the many, many people who have been out of work for two years or more; nor the thousand people that exhaust their unemployment benefits in Oregon each and every week. Gentlemen, how is it possible that you propose to exacerbate these moribund statistics?

And what about county revenues from timber sales? They've already been halved this year. Do you propose fiscal strangulation next year? Please do not overlook the devastating impact that additional wilderness designations will have on the economies of the specific communities located in their midst.

I am enclosing clippings from our newspaper, *The Union Register*, dated October 15, 1982. This was a special edition and served as the culmination of our Union's efforts to turn out our membership's vote for our political supporters back in November. Each of you will note that you received a Western Council endorsement. I hasten to note that if the Wilderness Bill passes the House, your efforts will be perceived as antithetical to our own, and you will never receive another LPIW endorsement.

One final note. The next time that you take it upon yourselves to ostensibly "help" the forest products industry, please consult with those of us who have an interest in the industry beforehand.

Sincerely,

JAMES S. BLEDSOE,
Executive Secretary.

STATEMENT OF THE ASSOCIATION OF OREGON
COUNTIES ON THE OREGON WILDERNESS ACT
OF 1982, DECEMBER 8, 1982

The Association of Oregon Counties previously has spoken on the issue of Wilderness expansion in Oregon under the RARE II program. We have supported much of the effort to place in wilderness those areas suitable for wilderness designation. We have opposed efforts to arbitrarily cede as wilderness areas with high other values including timber production and recreation.

Oregon is the nation's number one timber producing state. Thirteen national forests in Oregon cover more than 25% of the entire land area of the state. Of Oregon's 36 counties, 32 receive revenues from national forest harvests. In many of the Oregon counties, national forest revenues provide the major support for schools and roads. Oregon's counties have the most direct interest of any group in programs which would alter or diminish the timber base which supports Oregon's number one industry.

The Association of Oregon Counties has traditionally supported multiple use of public lands. We continue to give vigorous support to this principle. This includes designation of lands for special uses, and that encompasses designation as wilderness. Approximately 1.3 million acres in Oregon are now wilderness areas. We supported the RARE II effort, and endorsed the initial determination and recommendations of the Forest Service which were transmitted to the White House as provided by law. We supported the recommendations of the White House with the exception of the North Fork of the John Day.

As AOC said in its statement of nearly two years ago, it is not a question of whether we

are to have wilderness or not, or whether there are additions to present wilderness areas which are desirable. The question is how much and where will new wilderness areas be created, or present areas expanded.

The ADC position continues to support designation of areas with high WARS rating (Wilderness Attribute Rating System) as wilderness. Those areas which have high other values in resources including timber harvest and recreation should be multiple use designation. The WARS system evaluated wilderness areas on a scale of 4 to 28. In Oregon, the medium level is 20. The top 10% of areas stood at 23. We conclude that those areas with a WARS rating of above 20 should have serious consideration as wilderness, given that other resources values are low. Productivity levels for national forests place a 70 cubic foot per year per acre as a determination of commercial timber land. AOC feels a 50 cf/yr production level is more nearly a reliable and useful standard. Areas with the 50 cf/yr level per acre production should be given serious consideration as multiple use lands.

We cannot support additions to the Wallows-Whitman national forest. That forest already has 18% of its total area in wilderness, and these proposals add 13% more. Additionally, the comprehensive land use plan for Wallows County, approved by the State, and developed with full local participation of federal agencies, provides no further wilderness designations. The EIS notes in this regard, serious eroding of public support for government when local voices are not recognized. Also one of the greatest losses of commercial forest land on a single national forest is the Wallows-Whitman.

It seems to us that in considering wilderness one must look at the professional technical evaluation of the areas. Please note those areas in H.R. 7340 which have low WARS figures: Coleman, Gearhart, Bridge Creek, Rogue-Umpqua, Mill Creek, Middle Santiam, Grassy Knob, Hardesty, North Fork John Day, Three Sisters Additions, Salmon-Huckleberry. And there really is no logical way in which wilderness designation can be given to the Middle Santiam, especially considering that it has the highest productivity of all the areas, 140 cubic feet/acre/year. The North Fork John Day is also an area that simply is not suitable for wilderness, not only with a low WARS number, but also an area that has seen logging, extensive mining, construction of cabins and other man-made structures.

We do agree that resolution of the RARE II issues needs to be done. But it makes little sense to give away areas with low wilderness ratings and with high other resource values. What is happening is simply that those interests which for many reasons want areas withdrawn from multiple use, many times in order to have the areas available for small, single use groups, having failed to accomplish their aims in the orderly land use planning process of the Forest Service, have now determined that they can accomplish what they want by the political process of having the Congress merely name the areas wilderness. It makes a mockery of the Wilderness law, and a full rejection of the concept multiple use.

It seems to us that the Congress would be on a much more positive footing if it would determine those areas with high wilderness values, relatively low other resource values, and areas not already duplicated in established wilderness, the struggle is between those interests which merely want to set

land aside, and those who are dependent upon and interested in multiple use.

We appreciate the opportunity to make these comments.

KESS CANNON,
Executive Assistant.

Mr. Speaker, today, we are addressing an issue of great concern to all Oregonians, the Oregon Wilderness Act of 1982. I feel fortunate to live in a State that takes so much pride in the beauty and preservation of its lands. Oregon has done a magnificent job of exercising multiple-use management in taking care of these resources for future generations. Keeping in mind that many of these areas can be managed for multiple use, providing jobs and revenues to support the rural economies in Oregon. I think we should be looking closer at the economic impact to the State should we lock up an additional 1.12 million acres, doubling the size of Oregon's present wilderness areas.

There is strong opposition in Oregon to H.R. 7340. Governor Atiyeh is opposed to the procedure in which the bill is being pushed through the House. The bill was introduced just slightly more than 1 week ago. Labor groups see the efforts of my Oregon colleagues as being at odds to their own and are opposing the bill. The Association of Oregon counties, whose lifeblood depends on revenues from our national forests, are opposed. The forest products industry is opposed to passage of this legislation. Also, the administration is opposed to H.R. 7340; the Forest Service recommendations for RARE II under President Carter were only 427,000 acres that they felt suitable for wilderness. H.R. 7340 more than doubles that amount of acreage.

My Oregon colleagues contend that this measure is of the utmost urgency due to a Ninth Circuit Court of Appeals decision on the RARE II environmental impact statement which said the Forest Service RARE II EIS is inadequate. If urgency is truly the key for pushing through this legislation during the lameduck session, then I, for one, do not understand why my Oregon colleagues did not seek a simpler solution to the problem. I offered a substitute in committee which went directly to the heart of the problem by declaring the legal and factual sufficiency of the RARE II EIS for the State of Oregon. This remedy would have resolved the urgency question and left the issue open for debate in the 98th Congress.

More than 600,000 acres of the land designated for wilderness in this legislation will be in a newly elected Member's district. Locking up this much land will significantly impact many areas in his new district. I believe we should delay just a few weeks more, until the beginning of the 98th Congress, so that the new Member in the Oregon delegation will have an oppor-

tunity to evaluate the legislation and state his views accordingly.

My colleague from the State of Oregon feels that sufficient hearings have been held on the legislation, others seem to differ. No hearings on the specific designations outlined in H.R. 7340 have been held except for one subcommittee hearing 1 week ago. I have on record three times where my colleague from Oregon stated in field hearings in February 1981 and I quote:

I will not allow testimony on any specific wilderness areas or forests. That will come when, as I intend to do, I introduce an Oregon wilderness bill that will include specific wildernesses, the hearings will be held of course eventually on the specific forest areas. At that time we will take up what is suitable for each area and which are suitable for inclusion in the forest system.

It seems that one of the primary issues of concern to the Congress during the lameduck session is jobs. LPIW, a labor group in Oregon, roughly estimates that the acreage involved in H.R. 7340 will remove approximately 2 million board feet from annual harvest. They feel this will result in a loss of jobs in the neighborhood of 6,000 to 8,000. Another example I would like to cite is the impact this legislation will have on a particular county in my district. Linn County will lose approximately 1,488 jobs and the unemployment rate in that county is already 11.9 percent. The economic situation in Oregon is so sensitive that it makes no sense at all to be passing legislation like H.R. 7340 which could further devastate the State. This legislation should be relabeled the Oregon antijob bill of 1982.

I urge my colleagues to vote against H.R. 7340. Wait until the beginning of the 98th Congress which is only a few weeks away and give all interested parties an opportunity to evaluate the legislation which was introduced only a little more than a week ago.

The thousands of Oregonians employed by the timber industry now and the thousands who are unemployed because of the severe depression in that industry will join me in saying thanks for your help if we can defeat this bill.

I believe all my colleagues to be highly concerned about unemployment. I urge you to vote against this antijob proposal.

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

Mr. SMITH of Oregon. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I must admit that I came here this evening without very much understanding of this bill. It does not affect my State in particular. I did not have very much understanding. But I am a little concerned about the procedures I am hearing about here.

Do I understand the gentleman to say that the hearings that we heard

about earlier have not really been held, all these hearings that took place? We heard there were hearings in Oregon, that there were hearings before Congress, that these really have not taken place?

Mr. SMITH of Oregon. No. I believe the gentleman from Oregon (Mr. WEAVER) held hearings in the second district and actually throughout the State.

Mr. WALKER. Were those the hearings that did not cover any specifics?

Mr. SMITH of Oregon. He had a bill introduced at that time. But if the gentleman will notice, he also in his record said that he would be back for hearings on the specific boundaries of the potential wilderness areas that he was going to speak to.

Mr. WALKER. So these hearings mentioned in all those statements that were supposed to go on in Oregon about the specifics, those hearings have never been held?

Mr. SMITH of Oregon. Only the gentleman from Oregon (Mr. WEAVER) was in attendance at those hearings in February 1981, I believe, as far as a Member of Congress.

Mr. WALKER. But the specifics in the bill—the people of Oregon have never had a chance to comment on that particular thing, other than this hearing that was held.

Mr. SMITH of Oregon. My colleague is correct.

Mr. WALKER. There was a hearing held in Washington as I understand.

Mr. SMITH of Oregon. There was one hearing held on December 6.

Mr. WALKER. It lasted how many minutes?

Mr. SMITH of Oregon. I believe they said it was about an hour.

Mr. WALKER. Sixty minutes. And then we proceed under the cover of dark of night to run this out onto the floor. We ran it out under a procedure that the Chair defined so we would be assured that hardly anybody would be here to listen to this debate. I think the Members would be a little disturbed to hear a major bill of this significance has 60 minutes of hearings before it is brought to the floor under suspension. I find it appalling.

I would vote against this bill just on the procedure.

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

Mr. SMITH of Oregon. I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding.

In regard to the hearings, did the gentleman from Oregon and the committee chairman, the chairman of the Subcommittee on Public Lands, control the witness list?

Mr. SMITH of Oregon. I certainly did not control the witness list. I would have to say I do not know who did control it.

Mr. EMERSON. In other words, they controlled the witness list, they invite who is going to come to the hearings, who is going to testify. Or were these open public hearings?

Mr. SMITH of Oregon. I believe they were testified at open public hearings. But I do not know who had control over the actual list of people who testified. I think we would have to ask the gentleman from Oregon (Mr. WEAVER).

Mr. STATON of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Oregon. I would be happy to yield to my colleague from West Virginia.

Mr. STATON of West Virginia. Mr. Speaker, I understand that the rush for this is to clear up that which is a RARE-2 problem in Oregon, and this will finally put it to rest.

The question I have got for my colleague from Oregon is, Will this bill take into consideration all the proposed wilderness in Oregon, or is there some other wilderness that could be brought out at a later date?

Mr. SMITH of Oregon. Well, I have not been privy to anybody's office but my own. I am not planning on bringing out any more wilderness because I do not think that is appropriate in our kind of economy. I could almost say that the State of Oregon is in a situation where we are in a depression, have been in that for a number of years.

I think if Oregonians had the opportunity to testify at hearings today, they do not want their environment destroyed, but they certainly do not want to have their opportunity for a job destroyed either. And I think for too long we have looked at the wrong side of the coin, or only one side of the coin.

I think it would be appropriate to put this off to the 98th Congress and be able to have the people of Oregon have open hearings.

Mr. STATON of West Virginia. If the gentleman would yield further, is there not another section of wilderness area in Oregon that perhaps another gentleman is planning to introduce as wilderness?

Mr. SMITH of Oregon. I have not heard of any. But again I am not privy to that.

Mr. STATON of West Virginia. I thank my colleague.

□ 2140

Mr. SEIBERLING. Mr. Speaker, I yield myself 1 minute.

I just want to say that the effort to impugn the committee's hearing record is totally off base. I personally chaired three hearings in Oregon on this whole RARE-III issue covering the entire roadless areas in the national forests question.

One of those hearings was in the district of the gentleman from Oregon

(Mr. SMITH). I pleaded with him to attend the hearing. He declined to do so. Mr. WEAVER attended all the hearings, Mr. WYDEN testified in one of them.

The overwhelming majority of the witnesses there was in favor of wilderness designations that are in this bill.

I think the impression that has been given here is without foundation.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us make the record perfectly clear. The hearings that were held in Oregon were not hearings on this legislation, absolutely not. They were hearings on a concept, but not a specific occasion.

The most that was ever recommended at any one time was around 400-and-some-odd-thousand acres. When the Carter administration, that bleeding heart liberal when it comes to conservation, introduced this, at the most, there was no hearing on the specifics of this bill, none whatsoever, including what the gentleman from Oregon (Mr. WEAVER) has introduced, not one specific area.

I do impugn the committee in the way it was handled. If we wanted to solve the problem of the Ninth Court decision, then we should have adopted the recommendation of Mr. Carter, especially the language of Mr. SMITH, and we would have a bill to solve the problem.

This is a grab by the wilderness group of additional land, making it 201 million acres of wilderness within the United States and taking jobs away from, by the way, the people of America.

I am amazed that we stood on this floor today and debated jobs for all those poor people. The Republicans were trying to take away jobs from people and yet here we have a bill that is taking jobs away from people.

The answer on the Democrats' side is to make make-believe jobs, Government jobs, more taxes, more control. The Republican side says, "Listen, let's use our resources to employ our people."

This bill as proposed by the sponsors of the bill is not doing their constituency a favor.

I want to compliment the gentleman from Oregon (Mr. SMITH) for leading this charge, recognizing that Oregon's timber industry is vital. I want to stress this. If this is such an emergency, why is there not any timber industry representative, any labor union, any Governor supporting it? No one is supporting this bill other than the environmentalists, and that is all, the environmentalists, no one else.

It is unfortunate at this late hour, a bill introduced on December 1, that we have to have this debate. This is not

the first time this has happened. We have debated these types of bills with nobody around; but if the American public would watch and listen, we are talking about jobs here. We are talking about jobs for people in Oregon in the timber industry and the spinoff of those jobs and the proposal in this legislation of 1-million-some-odd acres will take away from the jobs of the people of America and the people of Oregon.

It is time that this Congress wakes up to the fact that we cannot respond to just the special interest groups who want more locked up, more locked up, and more locked up.

Some people say that we must have this pristine beautiful area, the fish and the trees and the streams. I say that is great and that is grand, but we also need work for people and it is vitally important that we keep records.

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

Mr. YOUNG of Alaska. I am glad to yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Speaker, in regard to the committee hearing process, may I say to the ranking minority member, in a quick survey of the staff and the members present, I find that none of them recall of having been at any hearing that the gentleman from Oregon (Mr. WEAVER) held in Oregon.

The SPEAKER pro tempore. The time of the gentleman from Alaska has expired.

Mr. SEIBERLING. Mr. Speaker, I yield the balance of my time to the gentleman from Oregon (Mr. WEAVER), but I simply want to say that the gentleman from Oregon (Mr. WYDEN) himself testified at one of those hearings and those hearings covered most of the areas in this bill.

Mr. WEAVER. Mr. Speaker, the hearings were held, three by me on the economics, three by the chairman on the specific wilderness areas; every single boundary that is in this bill was discussed in these hearings.

The timber amounts to 2 percent of all the timber in Oregon. The ninth circuit court has ruled, and may rule against Oregon any day, locking up all our forests unless we pass the bill.

Furthermore, the timber industry right now is pleading to not harvest the timber that we have. They have a bill in Congress asking for termination of the contracts that they now hold on Federal timber.

Therefore, this bill to relieve the dire emergency in Oregon of locking up all 3 million acres, putting only 2 percent of the timber, leaving 97 percent of all the timber in Oregon open for commercial harvest, 1 percent being already in wilderness, is urgently needed for passage today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBER-

LING) that the House suspend the rules and pass the bill, H.R. 7340, as amended.

The question was taken.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

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

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1964, DESIGNATING CERTAIN LANDS IN MISSOURI AS A COMPONENT OF THE NATIONAL WILDERNESS SYSTEM

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 97-966) on the resolution (H. Res. 628) providing for the consideration of the Senate bill (S. 1964) to designate certain lands in the Mark Twain National Forest, Mo., which comprise about 17,562 acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO ESTABLISH AN OFFICE FOR THE BICENTENNIAL OF THE HOUSE OF REPRESENTATIVES

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 97-967) on the resolution (H. Res. 621) amending the rules of the House of Representatives to establish an office for the bicentennial of the House of Representatives, which was referred to the House Calendar and ordered to be printed.

EFFIGY MOUNDS SITE, INCLUDING TRUMAN HISTORIC SITE

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1661) to authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes, as amended.

The Clerk read as follows:

S. 1661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to accept a conveyance of approximately four acres of land adjacent to the Effigy Mounds National Monument in the State of Iowa, and in exchange therefor to convey the grantor, without monetary consideration, approximately three acres of land within the monument, all as described in subsection (b) of this section. Effective upon consummation of the exchange, the land accepted by the Secretary shall become part of Effigy Mounds National Monument, subject to the laws and regulations applicable thereto, and the land conveyed by the Secretary shall cease to be part of the monument and the boundary of the monument is revised accordingly.

(b) The land referred to in subsection (a) which may be accepted by the Secretary is more particularly described as that portion of the southeast quarter of the southeast quarter of section 28 lying south and east of County Road Numbered 561, and the land referred to in subsection (a) which may be conveyed by the Secretary is more particularly described as that portion of the northeast quarter of the northeast quarter of section 33 lying north and west of County Road Numbered 561, all in township 96 north, range 3 west, fourth principal meridian, Allamakee County, Iowa.

SEC. 2. (a) In order to preserve and interpret for the inspiration and benefit of present and future generations the former home of Harry S. Truman, thirty-third President of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from another Federal agency, or otherwise, the residence and real property known as 219 North Delaware Street in the city of Independence, Missouri, together with such property adjacent thereto as passed to Bess Wallace Truman upon the death of her husband. The Secretary may also acquire, by any of the above means, fixtures, and personal property for use in connection with the residence.

(b) The property acquired pursuant to subsection (a) is designated as the Harry S. Truman National Historic Site and shall be administered by the Secretary in accordance with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary is further authorized, in the administration of the site, to make available certain portions thereof for the use of Margaret Truman Daniel subject to reasonable terms and conditions which he may impose.

(c) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 3. Section 401 of the Act entitled "An Act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes", approved January 8, 1971 (16 U.S.C. 160k), is amended by striking out "\$26,014,000" and inserting in lieu thereof "\$38,314,000".

SEC. 4. Section 9 of the Act entitled "An Act to provide for the establishment of Cape Code National Seashore", approved

August 7, 1961 (16 U.S.C. 459b-8), is amended by striking out "\$33,500,000" and inserting in lieu thereof "\$40,567,575".

SEC. 5. Section 8 of the Act entitled "An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes", approved March 10, 1966 (16 U.S.C. 459g-7), is amended by striking out "\$7,903,000" and inserting in lieu thereof "\$9,903,000".

SEC. 6. Section 15 of the Act entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes", approved October 21, 1970 (16 U.S.C. 460x-14), is amended by striking out "\$57,753,000" and inserting in lieu thereof "\$67,449,557".

SEC. 7. (a) For purposes of section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(3)), the statutory ceilings on appropriations established by the amendments made by this Act shall be deemed to be statutory ceilings contained in a provision of law enacted prior to the convening of the Ninety-fifth Congress.

SEC. 8. (a) Section 4 of the Act of October 26, 1972 (86 Stat. 1181; 16 U.S.C. 433c note) is amended by striking the phrase "not more than \$9,327,000" and inserting in lieu thereof "\$9,825,000".

(b) Section 5 of the Act of June 2, 1936 (49 Stat. 1393; 16 U.S.C. 433e) is hereby repealed.

SEC. 9. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to make available to the Smith River Fire Protection District in California the use of lands, consisting of approximately one-half acre adjacent to the town of Smith River, California within the boundary of the Redwood National Park, for construction of a fire station.

SEC. 10. (a) The Pennsylvania Avenue Development Corporation Act of 1972 (86 Stat. 1266, 40 U.S.C. 871) is amended as follows:

(1) by striking out in paragraph (10) of section 6, the figure "100,000,000" and inserting in lieu thereof "120,000,000"; and

(2) by adding at the end of section 17(a) the following: "There are further authorized to be appropriated for operating and administrative expenses of the Corporation sums not to exceed \$3,250,000, each, for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988."

(b) Section 5(e) of the Pennsylvania Avenue Development Corporation Act of 1972 is amended by—

(1) inserting "(1)" after (e);

(2) striking out "The Corporation" in the second sentence thereof and substituting:

"(2) The Corporation"; and

(3) adding the following new paragraph at the end thereof:

"(3) Any alteration, revision, or amendment of the plan and any other action taken by the Corporation which is not a substantial change in the plan within the meaning of paragraph (2) but—

"(A) which is a significant change in the plan, or which is another significant action taken by the Corporation, and

"(B) which relates to housing, any major structure, historic preservation, office space, or retail uses, within the development area shall not take effect until thirty days after notice of such change or other action has been submitted to the Committee on Interior and Insular Affairs of the United States of House Representatives and to the Committee on Energy and Natural Resources of

the United States Senate, unless prior to the expiration of such thirty day period each of such committees notifies the Corporation in writing that the committee does not object to such change or other action. Such notice to the committees shall include an explanation of the reasons why the change or other action is proposed and a summary of any recommendations received by the Corporation from the Secretary of the Interior, the Mayor of the District of Columbia, or from any other interested agency, organization, or individual."

(c) Section 6 of the Pennsylvania Avenue Development Corporation Act of 1972 is amended by inserting "(a)" after "Sec. 6," and by adding the following new subsection at the end thereof:

"(b) Whenever the Corporation submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the House and Senate Appropriations Committees and the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources."

(d)(1) Section 3(c) of the Pennsylvania Avenue Development Corporation Act of 1972 is amended by inserting "(7)" at the beginning of the unnumbered paragraph following paragraph (6).

(2) Section 5(a)(10) of such Act is amended by inserting "a" before "whole".

(3) Section 5(b) of such Act is amended by striking out "Cooperation" and substituting "cooperation".

(e) Section 11 of the Pennsylvania Avenue Development Corporation Act of 1972 is amended by inserting "(a)" after "Sec. 11," and by adding the following new subsections at the end thereof:

"(b) Within six months after the date of the enactment of this subsection, the Corporation shall transmit to the Congress an estimate, for each fiscal year, of the additional funds which will be necessary for the Corporation to carry out the development plan through the fiscal year 1990. Such estimate shall include a detailed statement of the projects and other expenditures for which such funds are proposed to be used, together with an estimate of the projected costs thereof.

"(c) The Corporation shall submit a report annually to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate discussing in detail the actions it has taken within the reporting period to protect and enhance the significant historic and architectural values of structures within the boundaries of the Corporation's jurisdiction, and indicating similar actions it plans to take and issues it anticipates dealing with during the upcoming fiscal year related to historic and architectural preservation. Such report shall be prepared on a fiscal year basis, shall indicate the degree to which public concern has been considered and incorporated into decisions made by the Corporation relative to historic and architectural preservation, and shall be submitted each January first."

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

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

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

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, to my knowledge, there is no objection to the bill on this side. If the gentleman will try to expedite the process, it would be greatly appreciated.

Mr. SEIBERLING. I will be happy to do that. Let me very briefly state what this bill is all about.

Mr. Speaker, S. 1661 would authorize a land exchange at Effigy Mounds National Monument. As reported, it would also establish the Harry S. Truman National Historic Site in Independence, Mo.; increase authorization funding ceilings at five units of the national park system; allow one-half acre of land in the Redwood National Park to be used for construction of a fire station; and reauthorize appropriations for the Pennsylvania Avenue Development Corporation.

Most of the provisions in the bill are basically housekeeping matters to facilitate better administration of existing parks and historic sites.

The one major new provision is the establishment of the Harry S. Truman National Historic Site. When President Truman's wife, Bess, died in October, her will provided that their home in Independence, Mo., would be donated to the United States, under the direction of the Archivist. However, the Archivist does not have the Federal responsibility or the appropriate organization, for administering national historic sites, a function that is carried out by the National Park Service.

Because of the urgent need to protect this important site, our colleague, Mr. SKELTON, requested the Secretary of the Interior to exercise his authority to designate and administer President Truman's home as a national historic site. The Department refused, and Mr. SKELTON quickly, and wisely, introduced the legislation that is now before us.

The Subcommittee on Public Lands and National Parks held a hearing and markup on December 7. We were astonished to learn that the Truman home was being protected by only one around-the-clock guard, paid for by the Truman estate, to patrol the exterior of the house. Imminent threats to the home include possible vandalism, theft, or fire. The executor of the Truman estate testified that administration of the house as a unit of the national park system would be compatible with the terms of the will.

On December 8, the day after our hearing, the Secretary of the Interior signed a secretarial order designating

the home as a national historic site. In addition, the Senate Appropriations Committee has earmarked \$160,000 in the budget for the National Park Service to operate, maintain, and protect the site. Authorizing legislation is essential, however, to assure the long-term protection of this important historic site.

None of this would have happened without the untiring efforts of Mr. SKELTON and his quick grasp of what needed to be done. The former home of President and Mrs. Harry S. Truman is truly a special place, and all Americans will benefit from its preservation.

Before closing, I would also like to thank our colleague, Mr. COLEMAN, for his eloquent testimony on behalf of the legislation. And I would like to thank several staff members who worked hard on this legislation, including Loretta Neumann and Clay Peters of the Interior Committee staff and Toni Arnett of Mr. SKELTON's staff.

Mr. Speaker, I urge all Members to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, first I would like to say I appreciate the expeditious manner in which this matter has been handled. I do appreciate it and the citizens of Missouri appreciate it.

This is a national monument, a national shrine, and all Americans are grateful for the expeditious work the gentleman has done.

Also, I would be remiss if I did not say a word of thanks to the gentleman from Missouri (Mr. COLEMAN) who was kind enough in my absence, as Members know, I had a death in the family and I had to be away and the gentleman was kind enough to personally appear before the subcommittee and explain the necessity of this situation.

□ 2150

Mr. Speaker, I rise in support of S. 1661 which contains the language of H.R. 7366, a bill I introduced to authorize the Harry S. Truman National Historic Site. H.R. 7366 was cosponsored by the entire Missouri congressional delegation.

Former First Lady Bess Truman passed away in her hometown, Independence, Mo., on October 18 at the age of 97. In keeping with the Truman's generosity, Mrs. Truman's will bequeathed their home, carriage house, and grounds to the "People of the United States of America." Subsequently, efforts were made by several parties to see to the transfer of this property to the custody of the U.S. Park Service. While those initial attempts encountered unexpected roadblocks at the Interior Department,

Secretary Watt finally capitulated to congressional pressure, and agreed to declare the residence a National Historic Site and to provide temporary security measures at the currently underprotected home.

The Secretary's action does not remove the necessity for the legislation we are considering today. S. 1661 will assure that the Harry S. Truman National Historic Site is managed by the U.S. Park Service as are the homes of 26 other former Presidents. This measure would authorize the Secretary of the Interior to administer the property, provide for its long-term preservation, and to develop it for visitation by the public. Secretary Watt's recent action only meets the immediate security needs of the property.

The home of President Truman and his wife Bess embodies the very essence of Missouri's finest citizens. During his lifetime, Mr. Truman rose to the most powerful position in the Nation, yet he and his family never forgot their roots. They never forgot the importance of home and community. The house which we are considering today was in fact the Truman residence for more than half a century. And that is why this legislation is so important. It is a most accurate reflection of the values and motivations of our beloved President Truman and of what he hoped for his fellow Americans: A simple and serene life, and the strength one can find through his community. I urge my colleagues to support this bill.

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

Mr. SKELTON. I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding to me at this time.

Mr. Speaker, I want to commend the gentleman for his leadership on this issue. This is a matter of concern not only to his district in Independence, but to all Missouri and to the United States at large, and I urge its speedy passage, and I hope that we will not have a dissenting vote.

Mr. SKELTON. I thank the gentleman.

Mr. SEIBERLING. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the bill now under consideration, S. 1661, a bill which includes a number of miscellaneous provisions. All of these items have been noncontroversial, all are supported by the administration and many of them have previously passed the House as other bills.

I urge the support of this measure by my colleagues.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Speaker, I rise in support of S. 1661, a bill to authorize the Secretary of the Interior to accept approximately 4 acres of land adjacent to the Effigy Mounds National Monument in Iowa in return for 3 acres of land, approximately equal in value, currently within the boundary of the monument but isolated from the main body of parkland by a State highway. The land exchange will regularize the park boundary and will enable park authorities to patrol the boundaries more effectively to prevent poachers from evading State and Federal officials.

A number of amendments were added to the bill by the full Interior and Insular Affairs Committee to address a number of other concerns within other units of the national park system. In particular, an amendment was added by our committee, at my request, to authorize the Secretary to make a small parcel of land within the boundary of Redwood National Park available to the Smith River Fire Protection District for construction of a firehouse.

The Smith River Fire Protection District has recently agreed to annex an area known as Hiouchi and other nearby sites in order to provide them with fire protection. They currently have no 24 hour, year-round fire protection and must rely on service from other communities which are quite some distance away. The long response time has placed property and lives in danger.

The community of Smith River and the Hiouchi area are adjacent to Redwood National Park and the Six Rivers National Forest. Very little private property remains available in the area. As a result, the community turned to the Park Service for assistance in locating a site for the fire station.

When Redwood National Park was established, the northern boundary was drawn in such a way that a number of parcels of land were included which have some development on them. One of these parcels has been identified by the fire district as a possible site for location of the firehouse. The one being considered is actually located on Highway No. 199. The Park Service personnel in the area have studied the problem and agree that the site is appropriate. It has existing structures on it and is not an integral part of the redwood tree groves. I have been assured that no redwood trees will be removed from the property.

Our amendment simply authorizes the Park Service to continue in their ongoing efforts to work out an agreement with the community. It does not require or direct the construction but simply makes it possible if all parties agree. The rights of any holders of a current use and occupancy agreement would be protected. We have also lim-

ited the amount of land which can be used for this purpose to one-half acre.

I would like to thank the members of the committee for accommodating the request of the community of Smith River and urge prompt final action on the legislation.

● Mr. COLEMAN. Mr. Speaker, I would like to take this opportunity to once again extend my support for S. 1661, which contains provisions to expedite and facilitate the transfer of the home of former President Harry S. Truman to the National Park Service.

Through the generosity of his beloved wife, the late Mrs. Bess Truman, this beautiful Victorian home was willed to the U.S. Park Service after her passing this past October, to serve as an historical landmark.

Their home is one that belonged both to history and the Trumans, and it was with a deep sense of devotion and history that Mrs. Truman so graciously and unselfishly donated it to the people on her passing.

For over 50 years, this fine building was home to the Truman family. After 7 years of distinguished service in our Nation's highest office, it served as the private home for Bess and Harry Truman. It became a home where they could find privacy from the rest of the world, and a home Mrs. Truman continued to live in for the rest of her life.

Called to the highest office in the land by the death of Franklin Roosevelt, Harry Truman found himself entrusted with awesome decisions both here and abroad. His were the crucial decisions that shaped this Nation and the world community in the postwar era effecting the end of the war in Japan, the stability and prosperity of a war-ravaged Europe, and the maintenance of Western strength in the face of Stalinist ambitions.

The Trumans enjoyed retreating to their "Summer White House" at North Delaware Street often during his term as President. It was here on June 25, 1950, that their vacation was interrupted when President Truman was notified that the North Koreans invaded South Korea. President Truman's decisions regarding the invasion of South Korea as well as other foreign affairs set the pattern for American foreign policy for succeeding decades.

Many distinguished citizens visited the Trumans at their Independence home. Among them were six former Presidents: Lyndon Johnson, Richard Nixon, Gerald Ford, John Kennedy, Jimmy Carter, and Herbert Hoover, in addition to countless other friends and officials that visited the home to seek advice and consultation from the Trumans.

During his time in office, Harry Truman carried with him a keen sense of history, a history his late wife Bess

has so generously offered to share with the rest of the Nation by willing their home to the Park Service as a national landmark.

I was happy to testify in support of this important legislation before the Interior Subcommittee on Public Lands and National Parks last week, and have been heartened by the actions of Secretary Watt to bring the home under the protection of the Interior Department during its consideration by Congress. This action will begin security and maintenance operations vital to insure that the Truman home is preserved. Once action is taken by Congress, the home will join the homes of 26 other Presidents as a historical landmark permanently under the protection of the Interior Department.

I believe it is only fitting that Americans all across our land be given the opportunity to see where Harry Truman spent so much of his life.●

● Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of S. 1661, a bill to acquire the home of President Harry S. Truman for a national historical site.

Today, this body has the opportunity to protect and preserve an important national treasure. I refer, of course, to the home and "Summer White House" of our 33d President, Harry S. Truman. Being a resident of Missouri, I, of course, have an interest in this legislation, but I feel it would be a shame if we let this home, containing as it does so many possessions of the former President, remain unprotected and otherwise outside the public domain.

S. 1661 will assure that the Truman home will become the property of the U.S. Park Service, where its historic value can be shared and enjoyed by all.

I believe that it is only fitting that Americans from all across the Nation will be given the opportunity to visit the home where Harry Truman spent so much of his life. I urge my colleagues to join me in support of this measure.●

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the Senate bill, S. 1661, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

VOYAGEURS NATIONAL PARK

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and concur in the amendments of the Senate numbered 2 and 3 to the House amendment to the Senate bill (S. 625) to revise the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes, and concur with an amendment to Senate amendment numbered 1.

The Clerk read as follows:

Page 3, of the House engrossed amendment, strike out lines 19, 20, and 21 and insert:

"(A) makes the tender of a conveyance to the United States, by such instrument and in such manner as are satisfactory to the Secretary, including but not limited to lease or easement, by the State of Minnesota of the lands or interests therein described in paragraph (1) (C) and (D); and

Page 6, line 23, of the House engrossed amendment, strike out "(1)".

Page 7, strike out lines 4 to 8, inclusive of the House engrossed amendment.

House amendment to Senate amendment numbered 1:

In Senate amendment numbered (1) strike out all after "(A)" and insert the following in lieu thereof: "tenders a conveyance of the lands described in paragraph 1 (C) and (D) to the United States by such instrument and in such manner as are satisfactory to the Secretary, including but not limited to lease or easement: *Provided*, That if the interest conveyed is a lease or easement, the State of Minnesota shall substitute therefore a transfer of all right, title and interest in the land by June 30, 1987: *Provided further*, That if the State does not transfer all right, title and interest in such lands by June 30, 1987, the land described in paragraph 1(E) shall revert to the United States for administration by the Secretary as part of the park; and".

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

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

Mr. Speaker, S. 625, a bill to amend the act establishing the Voyageurs National Park in Minnesota passed the Senate on June 10, 1982. On Septem-

ber 24 the House passed the bill with an amendment incorporating the provisions of H.R. 846, a companion bill introduced by Mr. OBERSTAR. On October 1 the Senate concurred in the House amendment with an amendment.

The Senate amendment basically contained two parts: First, a technical matter that is acceptable; the other, a substantive matter that relates to requirements for the exchange of certain lands between the Federal Government and the State of Minnesota.

Over the past few weeks, we have held numerous discussions among those Members who have expressed concern over this issue and have prepared a compromise which is acceptable to us and, I understand, to the affected Senators as well.

Basically the compromise would authorize the Secretary of the Interior to transfer certain lands in the Black Bay area of Voyageurs National Park to the State of Minnesota if, among other things, the State agrees to transfer certain lands to the United States. The Senate amendment would allow such transfer to be made by a lease or easement instead of requiring fee title; the House amendment would specify that if the transfer were made by lease or easement, that the State would substitute this for fee title by June 30, 1987, or else the land in Black Bay would revert to the United States for administration by the Secretary as part of the park.

I think this is an excellent compromise, and I wish to thank my colleagues Mr. OBERSTAR and Mr. VENTO for the excellent work they have done on this issue. I urge the House to approve the bill, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to compliment the gentleman from Minnesota (Mr. OBERSTAR) for supporting this bill. In the late hours of the night, we sometimes forget where we are.

My original objection to this bill does not arise from an objection to the bill itself, although I have little enthusiasm for it. I will support the bill. My objection, of course, over the last few days, has come from, I believe, some of the actions by the committee that I think are unwarranted.

We have a decorum in this body that I think is important. Again, as I have stated publicly, Members should be considered as they represent that district. This is one reason why, although with little enthusiasm, I am supporting the bill for the gentleman from Minnesota (Mr. OBERSTAR). I want to give the gentleman credit for it, and no one else, for leading this great leg-

isolation through the House, to the Senate, back to the House, and we would like to see the efforts come to a full fruition.

Mr. Speaker, I rise with little enthusiasm for the bill now before us, S. 625, which provides for boundary adjustment to Voyageurs National Park in Minnesota.

This bill authorizes some land exchanges and deletions, provides for an authorization ceiling increase to complete additional land acquisition, and reestablishes a date whereupon a wilderness study proposal is to be submitted to Congress.

The bill has two other provisions which I note are strongly objected to by the administration, and I must say that I too, find them difficult to support, particularly in this time of very tight fiscal constraints. Both are study provisions.

The first calls for a quarter-of-a-million-dollar study to develop a tourism plan for the park. While I can sympathize with the rather hard-pressed economic situation in the local community, and while I can understand the local desire to enhance and promote tourism, I do not believe spending a quarter-of-a-million dollars on a study is apt to bring much of a result. Moreover, the language of the bill is very ambiguous as to the desired end product, and I believe it asks for results that are already required by existing law to be accomplished in the form of the park's general management plan. I should point out that the general management plan of which I speak was just completed and approved in 1980.

There is no way that this new tourism plan will be able to promote much significant new development or use in the park itself beyond that which is already identified in the park's general management plan, so I do not really understand what this new quarter-of-a-million dollars is going to go for.

On a similar theme, the bill provides for \$75,000 to be appropriate for a study related to road access to the park. I do not really know what this can prove either, as no matter what comes of this study, since the roads are outside of the park, the Secretary of the Interior will have no authority to implement any of the study's recommendations. Moreover, since the park was established to provide a relatively primitive type of visitor experience, I doubt that the Park Service, in this study, will likely advocate much in the nature of significantly enhanced road access. The study objectives and directives are very unclear in the bill, and I consequently fail to find any rationale for this expenditure of funds.

Mr. Speaker, I must say that I do feel that this type of nickel-and-dime spending through many of these little bills that we continue to pass like this

one, do tend to add up to quite a considerable amount of money before long. This is the type of situation where we all need to be more responsible and scrutinizing. I do not feel that these two study provisions are very necessary, and it is a shame that they have been attached to this bill.

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

Mr. SEIBERLING. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to thank the chairman of the subcommittee, the gentleman from Ohio (Mr. SEIBERLING), for the enormous labor that he has devoted to Voyageurs National Park legislation over the past 2 years, and the time he has personally devoted, and that of his staff, to spend time with us two Members from Minnesota who have been most directly involved with this, the two Senators, and particularly Senator DURENBERGER, who has been the principal sponsor in the Senate of this legislation, to work out an acceptable compromise of some very detailed and technical questions that we now come to this point to finally have resolved.

I would also like to thank the gentleman from Alaska, who I know has had a number of internal difficulties in the committee over other matters, and I fully understand that.

Always the gentleman and mighty persuasive advocate for the view he holds, we respect him also for his parliamentary skill both in the Committee on Interior and Insular Affairs and in the Committee on Merchant Marine and Fisheries, on which I have the honor to serve with him.

I thank him for his understanding of the peculiar circumstances surrounding the Voyageurs National Park. The solution we have worked out, which he has come to accept, and in which he has played an important role, and also his staff on that side, I would like to say to my colleagues that this legislation today brings us to the end of about a 14-year odyssey for me. It began on this legislation with my predecessor, John Blatnik, who initiated the Voyageurs National Park legislation, then along with the Governor of Minnesota, Harold LeVander, whose administrative assistant at the time is now the Republican Senator from Minnesota, DAVE DURENBERGER. The four of us have marched a long way.

We come now to the conclusion of a very difficult matter, creating a national park on the United States-Canadian border, making it a viable entity now with this legislation making it something that has really totally generated the enthusiasm of the people of Minnesota, which will realize the economic potential that was advertised

for the park when it was first discussed.

So I thank those who participated in this final act, the final chapter of Voyageurs National Park, bringing it to a successful conclusion.

Mr. Speaker, the House and Senate have passed virtually identical bills relating to the boundaries of Voyageurs National Park.

When Congress adjourned on October 2, only one, somewhat technical, difference existed between the two versions. That difference concerned the transfer of land from the State of Minnesota to the National Park Service in exchange for the return of the waters and islands of Black Bay to the State. The State of Minnesota and the Department of the Interior during the Carter administration agreed to the principles of this exchange. In 1980, and again in the first days of the 97th Congress in 1981, Senator DAVE DURENBERGER and I introduced identical legislation to implement this exchange. After thorough hearings in both House and Senate committees and extensive discussions involving the Minnesota congressional delegation, the committee leadership, environmental groups here in Washington and in Minnesota, the Minnesota Department of Natural Resources and the people of northern Minnesota in the area where the park is located, we have reached agreement as to the exact language of legislation.

The gentleman from Ohio (Mr. SEIBERLING) will offer an amendment to the Senate-passed bill which will authorize the return of Black Bay to the State. In return, the State will transfer to the Park Service lands which the Park Service needs for improved management of the park. This transfer could be made by lease or easement, or by outright fee transfer. If the transfer is made by lease or easement, the State must transfer title to the land to the Federal Government by June 30, 1987, or the Federal land transferred will revert back to the Federal Government. This provision is the product of extensive discussions involving all of the major parties to this legislation.

I want to point out to the House that there is probably no other provision of proposed legislation affecting such a small amount of land has received the thorough consideration this provision has received. It has support of the Minnesota Department of Natural Resources, Senator DAVE DURENBERGER, the leadership of the House Interior Committee, my colleague from Minnesota on the committee (Mr. VENTRO), and myself. This bill is the result of a carefully crafted compromise between the provision in the House bill requiring immediate fee transfer and that in the Senate bill, as well as in my original bill, which would

have required only a lease or easement without fee transfer at any point.

Passage of this legislation is extremely important to the future of Voyageurs National Park. It will resolve a lingering controversy over the management of Black Bay. It will make an important addition to the park in the area of Black Bay Narrows, which is necessary for the construction of a visitors' facility. In addition, the legislation authorizes an innovative promotion program to increase visitor use of Voyageurs National Park, a beautiful water park, which, unfortunately, has not enjoyed the level of visitor use that it should have.

I particularly want to express my appreciation to my colleague, the gentleman from Minnesota (Mr. VENTO) for cosponsoring my original bill and for his diligence in supporting it in committee, through hearings, markup, and floor action. He has been most helpful in working out some of the complex technical details of the bill and responsive to my concerns and those of the people who live nearest the park. His support has been instrumental in bringing the bill this far. Again, I thank the gentleman (Mr. VENTO) for his help.

I expect that the Senate will act very quickly on this legislation. They have passed virtually identical legislation twice already this year. I hope that by Christmas this legislation will be on its way to the White House for enactment.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and concur in the amendments of the Senate numbered 2 and 3 to the House amendment to the Senate bill, S. 625, and concur with an amendment to Senate amendment numbered 1.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments to the Senate bill, S. 625, were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

□ 2200

EDUCATIONAL MINING ACT OF 1982

Mr. SEIBERLING. Mr. Speaker, I move that the House suspend the rules and pass the Senate bill (S. 1501) entitled the "Educational Mining Act of 1982", as amended.

The Clerk read as follows:

S. 1501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. (a) Subject to the conditions and limitations specified in this section, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to convey to the University of Alaska, all right, title, and interest of the United States in the following described land comprising approximately fifty-seven acres:

FAIRBANKS MERIDIAN, ALASKA

Township 2 North, Range 1 East

Section 8:

East half southeast quarter southwest quarter northeast quarter southeast quarter, North half southwest quarter southeast quarter northeast quarter southeast quarter, South half south half southeast quarter northeast quarter southeast quarter, East half northeast quarter northwest quarter southeast quarter southeast quarter, Northeast quarter southeast quarter southeast quarter,

North half southeast quarter southeast quarter southeast quarter,

North half south half southeast quarter southeast quarter southeast quarter,

South half southeast quarter southeast quarter southeast quarter,

South half southwest quarter northwest quarter southeast quarter southwest quarter.

Section 9:

West half southwest quarter southwest quarter,

South half southwest quarter northwest quarter northeast quarter southwest quarter southwest quarter,

Southwest quarter northeast quarter southwest quarter southwest quarter,

Southeast quarter southwest quarter southwest quarter,

West half west half southwest quarter southeast quarter southeast quarter southwest quarter,

Southwest quarter southeast quarter southwest quarter,

South half southwest quarter northwest quarter southeast quarter southwest quarter.

(b) Conveyance under this section shall be made only upon the condition that the described land shall be held and used by the University of Alaska and shall not be conveyed by the University.

(c) No conveyance shall be made unless application for conveyance is filed by the university with the Secretary within six months of the date of the approval of this Act.

(d) The Secretary may at his discretion require that he be provided a perimeter survey of the lands to be conveyed under this section. All costs of obtaining such survey shall be borne by the university.

SEC. 102. (a) Notwithstanding the Act of March 4, 1931 (46 Stat. 1530-1548), or any other provision of law, the following described lands, situated in Mono County, California, and comprising approximately 202.167 acres, are withdrawn from settle-

ment, sale, location, or entry under all of the general land laws, including the mining laws: The southeast quarter of the southeast quarter of section 23, the west half of the northwest quarter of section 25, and the north half of the northeast quarter of section 26, all in township 5 south, range 32 east, Mount Diablo meridian, California.

(b) Notwithstanding the first section of the Act of March 4, 1931 (46 Stat. 1530, 1532), the withdrawal accomplished by said Act of March 4, 1931, of the lands described as the southwest quarter of section 34, township 5 south, range 33 east, Mount Diablo meridian, comprising approximately 160 acres, situated in Mono County, California, is hereby modified to the extent that the lands described in this subsection may be exchanged by the Secretary of the Interior in accordance with the directive contained in subsection (c) of this section.

(c) Notwithstanding any other provision of law, the Secretary of the Interior is hereby authorized to exchange the Federal lands described in subsection (b) of this section for the lands described in subsection (a) of this section, the title to the lands to be acquired by the United States to be satisfactory in all respects to the Secretary and to be conveyed by a good and sufficient deed, in recordable form, that is satisfactory to the Secretary.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "American Conservation Corps Act of 1982".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 202. (a) FINDINGS.—The Congress finds that—

(1) public lands, resources, and facilities, including parks, rangelands, wildlife refuges, forests, water resources, fishery facilities, historic and cultural sites, and urban and community resources, have become subject to increasing public use and resource production demands;

(2) the condition of many of these lands, resources, and facilities has deteriorated as a result of these increasing uses and demands and as a result of the inability of Government agencies to adequately staff and fund the maintenance necessary to arrest the deterioration;

(3) public land management agencies have a responsibility to assure that public lands and resources are managed—

(A) to assure continued productivity,

(B) to protect public health and safety, and

(C) to assure their wise and economic conservation, maintenance, and use;

(4) a program designed to systematically guide and enhance the conservation, rehabilitation, and improvement of our public lands, resources, and facilities is urgently needed; and

(5) youth conservation programs have proven highly successful and cost effective in providing training and jobs for unemployed youth and in assisting land management agencies at all levels of government to reduce the backlog of neglected public land conservation, rehabilitation and improvement projects and to carry out other public land resource management work.

(b) PURPOSE.—It is the purpose of this title to—

(1) reduce the backlog of conservation, rehabilitation, and improvement work on the public lands, prevent the further deterioration of public lands and resources and facilities, conserve energy and restore and

maintain community lands, resources, and facilities;

(2) establish an American Conservation Corps to carry out a program to improve, restore, maintain, and conserve public lands and resources in the most cost-effective manner;

(3) use such program to assist State and local governments in carrying out needed public land and resource conservation, rehabilitation, and improvement projects;

(4) provide for implementation of the program in such manner as will foster conservation and the wise use of natural and cultural resources through the establishment of working relationships among the Federal, State, and local governments, Indian tribes, and other public and private organizations; and

(5) use this program to increase (by training and other means) employment opportunities for young men and women especially those who are economically, socially, physically, or educationally disadvantaged and who may not otherwise be productively employed.

DEFINITIONS

SEC. 203. For purposes of this title:

(1) The term "Secretary" means the Secretary of the Interior, except where otherwise expressly provided.

(2) The terms "public lands" and "publicly owned lands" mean any lands and waters (or interest therein) owned or administered by the United States or by any agency or instrumentality of a State or local government.

(3) The term "program" means the public lands conservation, rehabilitation, and improvement program established under this Act.

(4) The term "program agency" means any Federal agency or instrumentality with responsibility for the management of any public or Indian lands, any State agency designated by the Governor to manage the program in that State, and the governing body of any Indian tribe.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary. Such term also includes any Native village corporation, regional corporation, and Native group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

(6) The term "Indian" means a person who is a member of an Indian tribe.

(7) The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for individual Indians or Indian tribes, and any real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States.

(8) The term "employment security service" means the agency in each of the several States with responsibility for the administration of unemployment and employment programs, and the oversight of local labor conditions.

(9) The term "chief administrator" means the head of any program agency as that term is defined in paragraph (4).

(10) The term "enrollee" means any individual enrolled in the American Conservation Corps in accordance with section 205.

(11) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

PUBLIC LANDS CONSERVATION, REHABILITATION, AND IMPROVEMENT PROGRAM

SEC. 204. (a) ESTABLISHMENT AND ADMINISTRATION OF PROGRAM.—Not later than ninety days after the enactment of this Act, the Secretary, in cooperation with the Secretary of Agriculture and after consultation with the Secretary of Labor, shall establish and administer a public lands conservation, rehabilitation, and improvement program to carry out the purposes of this title. Under such program, the Secretary shall provide assistance to program agencies for the establishment and operation of residential and nonresidential American Conservation Corps centers and for the implementation by the American Conservation Corps of projects designed to carry out such purposes.

(b) PROJECTS INCLUDED.—The program established under this section may include, but shall not be limited to, projects such as—

(1) forestry, nursery, and silvicultural operations;

(2) wildlife habitat conservation, rehabilitation, and improvement;

(3) rangeland conservation, rehabilitation, and improvement;

(4) recreational area development, maintenance, and improvement;

(5) urban revitalization;

(6) historical and cultural site preservation and maintenance;

(7) fish culture and habitat maintenance and improvement and other fishery assistance;

(8) road and trail maintenance and improvement;

(9) erosion, flood, drought, and storm damage assistance and control;

(10) stream, lake, and waterfront harbor and port improvement, and pollution control;

(11) insect, disease, rodent, and fire prevention, and control;

(12) improvement of abandoned railroad bed and right-of-way;

(13) energy conservation projects and renewable resource enhancement;

(14) recovery of biomass from public lands, particularly forestlands; and

(15) reclamation and improvement of strip-mined lands.

(c) PREFERENCE FOR CERTAIN PROJECTS.—The program shall provide a preference for those projects which—

(1) will provide long-term benefits to the public;

(2) will provide meaningful work experience to the enrollee involved;

(3) will be labor intensive; and

(4) can be planned and initiated promptly.

(d) LIMITATION TO PUBLIC LANDS.—Projects to be carried out under the program shall be limited to projects on public lands or Indian lands except where a project involving other lands will provide a documented public benefit and reimbursement will be provided to the program agency for that portion of the total costs of the program which does not provide a public benefit. Notwithstanding any other provision of law, any reimbursement referred to in the preceding sentence shall be retained by the program agency and shall be used by the agency for purposes of carrying out other projects under the program.

(e) CONSISTENCY.—The Secretary and the chief administrators of other program agencies shall assure that projects selected under this title for conservation, rehabilitation, or improvement of any public lands are consistent with the provisions of law relating to the management and administration of such lands and with all other applicable provisions of law.

(f) CONSERVATION CENTERS.—(1) Each program agency may apply to the Secretary for approval of conservation centers to carry out projects under this title.

(2) Applications for approval of conservation centers shall be submitted to the Secretary in such manner as the Secretary may prescribe. Each application shall contain, in such detail as the Secretary deems necessary—

(A) a comprehensive description of the objectives and performance goals for the conservation center and a description of the types of projects to be carried out, including a description of the types and duration of training (including work experience) to be provided;

(B) a description of the facilities and equipment to be available for use in the center;

(C) an estimate of the number of enrollees and crew leaders necessary for the proposed projects, the length of time for which the services of such personnel will be required, and the services which will be required for their support;

(D) a plan for managing the conservation center, supplying the necessary equipment and material, and administering the payroll; and

(E) such other information as the Secretary shall prescribe.

(3) In approving conservation centers, the Secretary shall give due consideration to the cost and means of transportation available between the center and the homes of the enrollees who may be assigned to those centers. The location and type of conservation centers shall be selected in such manner as will increase the enrollment of economically, socially, physically, and educationally disadvantaged youths, and of youths from areas of high unemployment.

(g) LOCAL GOVERNMENT PARTICIPATION.—Any State carrying out a program under this title shall provide a mechanism under which local governments in the State may be approved by the State to participate in the program and to carry out projects in accordance with the requirements of this Act.

(h) AGREEMENTS.—Program agencies may enter into contracts and other appropriate arrangements with local government agencies and nonprofit organizations for the management of conservation centers under the program.

(i) JOINT PROJECTS.—The Secretary is authorized to develop jointly with the Secretary of Labor regulations designed to allow, where appropriate, joint projects in which activities supported by funds authorized under this title are coordinated with activities supported by funds authorized under employment and training statutes administered by the Department of Labor (including the Comprehensive Employment and Training Act and any successor statutes). Such regulations shall provide standards for approval of joint projects which meet both the purposes of this title and the purposes of such employment and training statutes under which funds are available to support the activities proposed for approval. Such regulations shall also establish a single mechanism for approval of joint projects developed at the State or local level.

ENROLLMENT, FUNDING, AND MANAGEMENT

SEC. 205. (a) ENROLLMENT IN PROGRAM.—(1) Enrollment in the American Conservation Corps shall be limited to individuals who, at the time of enrollment, are—

(A) unemployed;

(B) not less than sixteen or more than twenty-five years of age (except that programs limited to the months of June, July, and August may include individuals not less than fifteen years and not more than twenty-one years of age at the time of their enrollment); and

(C) citizens or lawful permanent residents of the United States or lawfully admitted alien parolees or refugees.

(2) Except in the case of a program limited to the months of June, July, and August, individuals who at the time of applying for enrollment have attained age sixteen but not attained age nineteen, and who are no longer enrolled in any secondary school shall not be enrolled unless they give adequate written assurances, under criteria to be established by the Secretary, that they did not leave school for the express purpose of enrolling.

(3) The selection of enrollees to serve in the American Conservation Corps in any conservation center shall be the responsibility of the chief administrator of the program agency. Enrollees shall be selected from those qualified persons who have—

(A) applied to, or been recruited by, the program agency, a State employment security service, a prime sponsor under the Comprehensive Employment and Training Act (or comparable entity under any successor statutes), community or community-based nonprofit organization, the sponsor of an Indian program, or the sponsor of a migrant or seasonal farmworker program; and

(B) been screened for eligibility and referred to the program agency by the State employment security service.

(4) In the recruitment and selection of enrollees, special consideration shall be given to both—

(A) economically, socially, physically, and educationally disadvantaged youths, and

(B) youths residing in areas, both rural and urban, which have substantial unemployment.

(5)(A) Except for a program limited to the months of June, July, and August, any qualified individual selected for enrollment may be enrolled for a period not to exceed twenty-four months. When the term of enrollment does not consist of one continuous twenty-four-month term, the total of shorter terms may not exceed twenty-four months.

(B) No individual may remain enrolled in the American Conservation Corps after that individual has attained the age of twenty-six.

(b) **SERVICES, FACILITIES, SUPPLIES, ET CETERA.**—The program agency shall provide such quarters, board, medical care, transportation, and other services, facilities, supplies, and equipment as the Secretary deems necessary for conservation centers. Whenever possible, the Secretary shall make arrangements with the Secretary of Defense to have such logistical support provided by a military installation near the proposed center, including the provision of temporary tent centers where needed. The Secretary shall establish basic standards of health, nutrition, sanitation, and safety for all conservation centers, and shall assure that such standards are enforced.

(c) **CONSERVATION CENTER MANAGEMENT.**—Every conservation center shall have sufficient supervisory staff appointed by the chief administrator which may include enrollees who have displayed exceptional leadership qualities.

(d) **FUNDING.**—(1) The Secretary may award grants to, or enter into agreements with, program agencies for the funding and

operation of conservation centers approved by the Secretary under this title.

(2) The Secretary shall not make any grant to, or enter into any agreement with any program agency for the funding of any conservation center under this title unless such agency certifies that projects carried out by the conservation center will not—

(A) result in the displacement of individuals currently employed by the program agency concerned (including partial displacement through reduction of nonovertime hours, wages, or employment benefits);

(B) result in the employment of any individual when any other person is in a layoff status from the same or substantially equivalent job within the jurisdiction of the program agency concerned; or

(C) impair existing contracts for services.

(3) Of the sums appropriated to carry out this title for any fiscal year—

(A) not less than 35 per centum shall be made available by the Secretary for expenditure by State program agencies;

(B) not less than 25 per centum shall be made available by the Secretary for expenditure pursuant to agreements with the Secretary of Agriculture;

(C) not less than 25 per centum shall be made available by the Secretary for expenditure by program agencies within the Department of the Interior;

(D) not less than 5 per centum shall be made available by the Secretary for expenditure by the governing bodies of participating Indian tribes; and

(E) the remaining amount shall be made available by the Secretary for expenditure by other Federal program agencies and for demonstration projects or projects of special merit carried out by any program agency or by any nonprofit organization or local government which is undertaking or proposing to undertake projects consistent with the purposes of this title.

10 per centum of the amount disbursed to State agencies under subparagraph (A) (or to local governments within the State where paragraph (4) applies) shall be divided equally among the States and 90 per centum of such amount shall be distributed among such States proportionately according to the total youth population of such States between the ages of fifteen and twenty-five (as determined on the basis of the most recent census). Any State receiving funds under subparagraph (A) for the operation of any conservation center shall be required to provide not less than 15 per centum of the cost of operation of such center. Any State receiving funds under subparagraph (A) for any fiscal year shall provide not less than 10 per centum of such funds to local governments approved by the State under section 4(g) to carry out projects under this Act unless no such local government in that State is approved before the end of such fiscal year. In any case where no such local government is approved before the end of such fiscal year, such 10 per centum may be expended by the State in accordance with this Act.

(4) If, at the commencement of any fiscal year, any State does not have a program agency designated by the Governor to manage the program in that State, then during such fiscal year each local government within such State may establish a program agency to carry out the program within the political subdivision which is under the jurisdiction of such local government. In any such case, the State share (or a reasonable portion thereof) for such State may be made available by the Secretary for

expenditure by such local government program agencies to carry out the program within such political subdivisions. Such local government program agencies shall be in all respects subject to the same requirements as State program agencies. Where more than one local government within a State has established a program agency under this subsection, the Secretary shall allocate funds between such agencies in such manner as he deems equitable.

(5) Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

(6)(A) There is authorized to be appropriated to the Secretary for purposes of carrying out this title \$50,000,000 for the fiscal year 1983, and the amount determined under subparagraph (B) for each of the fiscal years 1984 through 1989 from so much of the following amounts as would otherwise be credited to miscellaneous receipts in the Treasury—

(i) all franchise fees estimated to be collected for the fiscal year concerned by the Secretary and Secretary of Agriculture; and

(ii) all receipts estimated to be due and payable to the United States for the fiscal year concerned from (I) permit fees (including fees for special use permits) imposed by the Secretary or the Secretary of Agriculture, (II) sales of timber by the Secretary or the Secretary of Agriculture, and (III) leasing activities of the Secretary and the Secretary of Agriculture other than leasing activities under the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.) or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.).

Such sums shall remain available until expended. Appropriations under this section shall be made without fiscal year limitation.

(B) The amount authorized to be appropriated under subparagraph (A) for each of the fiscal years 1984 through 1989 shall be \$250,000,000 plus a percentage increase for each fiscal year based upon the percentage increase in the Consumer Price Index published by the Bureau of Labor Statistics. The increase for each such fiscal year shall be a percentage of \$250,000,000 (plus unappropriated balances). Such percentage for any fiscal year shall be equal to the percentage increase of—

(i) the Consumer Price Index for the last calendar year ending prior to such fiscal year, over

(ii) the Consumer Price Index for the calendar year 1982.

(7) No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

FEDERAL EMPLOYEE STATUS

SEC. 206. (a) IN GENERAL.—Except as otherwise specifically provided in the following paragraphs, enrollees and crew leaders shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment:

(1) For purposes of the Internal Revenue Code of 1954 and title II of the Social Security Act, enrollees and crew leaders shall be deemed employees of the United States and any service performed by any person as an

enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, enrollees and crew leaders shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except—

(A) the term "performance of duty" shall not include any act of an enrollee member or crew leader while absent from his or her assigned post of duty, except while participating in an activity authorized by or under the direction and supervision of the Secretary or the conservation center supervisory staff (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee's or crew leader's employment is terminated.

(3) For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, enrollees and crew leaders shall be deemed employees of the United States within the meaning of the term "employee of the Government" as defined in section 2671 of title 28, United States Code.

(4) For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, enrollees and crew leaders shall be deemed employees of the United States within the meaning of the term "employee" as defined in that section.

(b) AMENDMENT OF TITLE 5.—Section 8332(b) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (11);

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (12) the following new paragraph:

"(13) service as an enrollee or crew leader only if the enrollee or crew leader in the American Conservation Corps later becomes subject to this subchapter."

USE OF VOLUNTEERS

SEC. 207. (a) Where any program agency has authority to use volunteer services in carrying out functions of the agency, such agency may use volunteer services for purposes of assisting projects related to conservation centers established under this title and may expend funds made available for those purposes to the agency, including funds made available under this title, to provide for services or costs incidental to the utilization of such volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

(b)(1) The Secretary may recruit, without regard to the civil service classification laws, rules or regulations, the services of individuals contributed without compensation as volunteers for aiding or in facilitating the activities administered by the Secretary through the Bureau of Land Management.

(2) In accepting such services, the Secretary—

(A) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

(B) may provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging,

subsistence, recruiting, training, and supervision.

(3) Volunteers under this subsection shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28, United States Code, and subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 208. (a) PAY.—The Secretary shall establish standards for—

(1) rates of pay for enrollees which shall be not less than the wage required by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1));

(2) rates of pay for crew leaders which shall be at a wage comparable to the compensation in effect for grades GS-3 to GS-7; and

(3) reasonable hours and conditions of employment.

(b) COORDINATION.—The Secretary and the chief administrators of other program agencies carrying out programs under this Act shall coordinate the programs with related Federal, State, local, and private activities.

(c) MILITARY EXEMPTION STUDY.—The Secretary, in consultation with the Secretary of Defense, shall conduct a study to determine the feasibility and desirability of allowing enrollees who have completed a two-year enrollment in the program to be exempt from training and service under the Military Selective Service Act (50 U.S.C. App. 456). A report containing the results of the study shall be submitted to Congress not later than one year after the enactment of this Act.

EDUCATION, GUIDANCE, AND PLACEMENT

SEC. 209. (a) ACADEMIC CREDIT.—Whenever possible, the Secretary shall make arrangements for the award of academic credit by educational institutions and agencies to enrollees for competencies developed from work experience under this title.

(b) STUDY.—Program agencies may provide training and educational materials and services for enrollees and may enter into arrangements with academic institutions for academic study by enrollees during non-working hours to upgrade literacy skills, obtain equivalency diplomas or college degrees, or enhance employable skills. Whenever possible, an enrollee seeking study or training not provided at his or her conservation center shall be offered assignment to a conservation center providing such study or training.

(c) CERTIFICATION.—The program agencies shall provide certification of the training skills acquired by enrollees who have participated in the program.

(d) GUIDANCE AND PLACEMENT.—The program agency shall provide such job guidance and placement information and assistance for enrollees as may be necessary. Such assistance shall be provided in coordination with appropriate State, local, and private agencies and organizations.

EVALUATION AND PILOT PROJECTS

SEC. 210. (a) RESEARCH AND EVALUATION.—The Secretary shall provide for research and evaluation to—

(1) determine costs and benefits, tangible and otherwise, of work performed under this title and of training and employable skills and other benefits gained by enrollees; and

(2) identify options for improving program productivity and youth benefits, including improved alternatives for: organization, subjects, sponsorship, and funding of work projects; recruitment and personnel policies; siting and functions of conserva-

tion centers; work and training regimes for youth of various origins and needs; and cooperative arrangements with programs, persons and institutions not covered under this Act.

(b) DEMONSTRATIONS.—The Secretary may authorize pilot or experimental projects to demonstrate or test new or alternative arrangements or subjects of work and training for programs under this title, which may include alternatives identified under subsection (a)(2).

ANNUAL REPORT

SEC. 211. The Secretary shall prepare and submit to the President and to the Congress at least once each year a report detailing the activities carried out under this Title. Such report shall be submitted not later than December 31 of each year following the date of enactment of this Act. The report shall describe (1) conservation work procedures, accomplishments and benefits; (2) the extent to which youth who are economically, socially, physically or educationally disadvantaged have been enrolled in and benefited by the program; (3) other youth benefits; and (4) problems and opportunities encountered in carrying out the Act which require attention. The Secretary shall include in such report such recommendations as he considers appropriate.

LABOR MARKET INFORMATION

SEC. 212. The Secretary of Labor shall make available to the Secretary and to any program agency under this title such labor market information as is appropriate for use in carrying out the purposes of this title.

EMPLOYEE APPEAL RIGHTS

SEC. 213. In the case of—

(1) the displacement of a Federal employee (including any partial displacement through reduction of nonovertime hours, wages or employment benefits), or the failure to reemploy an employee in a layoff status, contrary to a certification under section 205(d)(2) (A) or (B) of this Act, or

(2) the displacement of a Federal employee by reason of the use of one or more volunteers under section 207(b)(2)(A) of this Act, such employee is entitled to appeal such action to the Merit Systems Protection Board under section 7701 of title 5, United States Code.

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

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

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

Mr. Speaker, S. 1501 as reported by the Committee on Interior and Insular Affairs combines one noncontroversial bill which has passed the Senate with two bills which passed the House earlier in this Congress, but which have languished in the Senate.

Title I of the reported bill packages the Senate-passed Educational Mining Act with H.R. 2475, which the House initially passed almost 1 year ago.

The Senate-passed bill transfers the Federal interests in about 56 acres of

land in Alaska to the University of Alaska, for use in the training of mining and geology students. That transfer is included as section 101 of the reported bill.

Section 102 authorizes the acquisition of about 500 acres of privately owned land in the Owens Valley area of California in exchange for Federal lands. The exchange, supported by the administration, the State of California, the University of California, and several environmental groups, will further the protection of the critical habitat of the Owens Valley pupfish, an endangered species. The language is the same as that in H.R. 2475, as passed by the House.

Title II is identical to H.R. 4861 which passed the House by a wide margin (291-102) on June 9, 1982. The bill would provide for the establishment of an American Conservation Corps. The purpose is to accomplish needed conservation work on our public lands and community resources and to provide jobs for our Nation's young people.

The Corps would be administered by the Secretary of the Interior with the cooperation of the Secretaries of Agriculture and Labor. The program would be funded by using certain Federal revenues generated from various leasing and permitting activities—offshore oil and gas leasing, timber cutting, franchise and other fees.

The authorization for appropriations would be limited to \$50 million in fiscal 1983 and \$250 million annually thereafter through fiscal 1989, with a percentage increase allowed each year based on increases in the Consumer Price Index. Of the total annual appropriations, 35 percent would be distributed to States, 25 percent each to the Departments of Interior and Agriculture, 5 percent to participating Indian tribes and 10 percent to other Federal agencies and for special projects. States would be required to provide 15 percent matching funds and a mechanism (including at least 10 percent of the State's funding share) for local government participation.

Conservation projects would include conservation of forests, fish, wildlife, rangelands and soils; revitalization of urban areas and preservation of historic sites; maintenance of recreational areas; energy conservation and production of renewable resources. Work on private lands must provide documented public benefits and require reimbursement for any nonpublic benefits.

The program would have both a year-round and a summer component. Enrollees must be unemployed and be between the ages of 16 and 25 for the year-round program, and between 15 and 21 for the summer program. Special consideration in the recruitment and selection of enrollees would be given to disadvantaged youth who live in areas of substantial unemployment.

Opportunities for training and academic study would be provided and certification granted for skills acquired by enrollees.

Those are some of the highlights of the legislation. Before concluding, however, I do want to emphasize that this program, while relatively modest in terms of funding, would offer much needed help—not only to our Nation's unemployed youth but also to the productivity of our Nation's lands and resources. I urge my colleagues to again support this important legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1501, the Educational Mining Act of 1982. Mr. Speaker, this bill is possibly the most appropriately named legislation to come before the House this year. The purpose of the legislation is to transfer some patented mining claims to the University of Alaska at Fairbanks so as to allow the students of geology there to further their academic careers in their chosen field. This bill is exactly like the types that have allowed Michigan Tech and the Colorado School of Mines to further their academic programs through hands on research. This bill simply allows the transfer of some donated mining claims to the university without the necessity of the schools having to go through the formal patent process. These claims are underground mines, outside of Fairbanks, Alaska, where silver has been mined on and off for many years. The donation of these claims and the implementation of these claims through this process will allow students from the United States who attend the University of Alaska to get into a mine, break a few rocks, and perhaps learn something about the noble science of geology.

There is attached to this legislation a provision that would reinstitute the Youth Conservation Corps. In a different form. That is unfortunate, Mr. Speaker, because although the House has passed this legislation, the Senate has failed to do so for some legitimate reasons, and I fear that the future of the students at the University of Alaska will be jeopardized because of this extra baggage. While I understand the concern of the Senate over the Youth Conservation Corps bill, I believe that this Nation needs to foster in its youth an appreciation of, and a love for, the higher principles of multiple-use management that eludes the so-called environmentalists, who feel that the only way to manage our resources is to put them off limits. I think, although it may make my distinguished colleague from Ohio shudder, that if the Youth Conservation Corps is instituted, we may see some real environmentalists emerge, rather than the lockup no growers that claim to be environmentalists today. I

realize the outyear obligations of this rider concern the other body, but I would hope they see the wisdom of getting our young people productive jobs in our productive forests, as well as supporting legislation that will help tomorrow's geologists better understand the nature of the bounty of this Earth that God has given us. I urge the Members' support of this legislation.

● Mr. JEFFORDS. Mr. Speaker, I rise in support of S. 1501 and I commend the Interior Committee for adding to it the provisions of H.R. 4861, the American Conservation Corps Act, which passed the House overwhelmingly earlier this year.

I am greatly disturbed at the turn that debate over the jobs issue has taken. Unemployment continues to rise as the overall rate climbed to 10.8 percent in November. Twelve million Americans are now considered unemployed and many more have given up looking for work. Among youth, this rate is 24.2.

We all agree that these figures constitute a serious problem. But that is where our consensus ends. Tragically, this serious, human problem has been addressed only on political terms. We talk about unemployment and then consider adding \$5.4 billion to the continuing resolution for all kinds of programs dear to many of my colleagues, most of which will contribute little or nothing to the solution of the unemployment problem regardless of their other merits.

However, the American Conservation Corps concept is a sound one that would begin to have a constructive effect on youth employment. This bill would create a program to carry out conservation and rehabilitation projects with an emphasis on hiring disadvantaged youth. Projects could be implemented in both rural and urban areas and would be funded by revenues from leases and royalties on Federal lands.

This bill combines concepts from the Young Adult Conservation Corps and the Youth Conservation Corps, both of which have been targeted for elimination. I recognize that these programs have not been perfect and I believe that this bill remedies most of these problems.

There is a considerable backlog of needed conservation work in this country. The American Conservation Corps offers us a way to perform this work at a modest cost and in a way that addresses the serious problem of youth unemployment.

Even though previous youth conservation work programs suffered from a lack of coordination and though they did not focus clearly on conservation, they returned more than \$1 in assessed value for each dollar invested. This bill would further improve this

ratio and would better target the program to disadvantaged youth and to those who live in areas of high unemployment. It provides youth with meaningful work, teaches transferable skills and benefits all of us.

Mr. Speaker, I urge my colleagues to support this bill now and to provide an appropriation for the American Conservation Corps as a part of any jobs legislation that may be considered by the Congress. We have an opportunity to not only conserve and improve our national and cultural resources, but also to make a major investment in the future of our youth.●

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the Senate bill, S. 1501, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PADDY CREEK WILDERNESS ACT OF 1981

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1965) to designate certain lands in the Mark Twain National Forest in Missouri, which comprise approximately 6,888 acres, and which are generally depicted on a map entitled "Paddy Creek Wilderness Area," as a component of the National Wilderness Preservation System.

The Clerk read as follows:

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be known as the Paddy Creek Wilderness Act of 1981.

SEC. 2. In furtherance of the purposes of the Wilderness Act (78 Stat. 890) and the Act of January 3, 1975 (88 Stat. 2096), the following area as generally depicted on a map appropriately referenced, dated December 1981, is hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System; certain lands in the Mark Twain National Forest, Missouri, which comprise about six thousand eight hundred and eighty-eight acres, are generally depicted on a map enti-

tled "Paddy Creek Wilderness Area", dated December 1981, and shall be known as the Paddy Creek Wilderness Area.

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Paddy Creek Wilderness Area with the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 4. The area designated as wilderness by this Act shall be administered in accordance with the applicable provisions of the Wilderness Act (78 Stat. 890) and the Act of January 3, 1975 (88 Stat. 2096), except that any reference is such provisions to the effective date of such Acts shall be deemed to be a reference to the effective date of this Act.

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

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

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

Mr. Speaker I rise in strong support of S. 1965, which would designate a 6,888-acre Paddy Creek Wilderness in the Mark Twain National Forest in Missouri. The Paddy Creek area was designated by Congress as a wilderness study area in 1976 (Public Law 94-557) with instructions that the area be evaluated to determine whether it should be recommended for addition to the National Wilderness Preservation System. The Forest Service has completed the study and recommended the area for wilderness, and on September 13 President Reagan sent a message to Congress confirming the administration's endorsement of the wilderness proposal. The Subcommittee on Public Lands and National Parks had previously held a hearing on the area on May 24 of this year, and found near unanimous support for wilderness designation.

Mr. Speaker, the outstanding natural attributes of the area are fully described in the House and Senate committee reports, and in the President's message transmitting the wilderness recommendation (see House Document 97-235, part 10, September 13, 1982), so I will not take the time to describe the area here. Suffice it to say that S. 1965 is strongly supported by both Missouri Senators, the administration, and numerous individuals and conservation organizations in Missouri and elsewhere. I urge my colleagues' agreement in passing this excellent legislation which was reported by the committee on December 8.

As a final note, I have conferred with Chairman DE LA GARZA of the Committee on Agriculture and we have agreed that it is the intent of the House in accepting the Senate bill that the Secretary of Agriculture file the official maps of the Paddy Creek Wilderness with the Committee on Agriculture as well as with the Committee on Interior and Insular Affairs. Normally, this requirement would be written into the law, but as this requirement was inadvertently omitted in the Senate bill, we have agreed to this procedure in order to avoid having to amend the bill and send it back to the Senate over such relatively minor matter.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BAILEY).

Mr. BAILEY of Missouri. Mr. Speaker, I rise in strong opposition, and will do my utmost, to expedite, as I know the chairman of the subcommittee has, his support. However, the truth of the matter is that the chairman of the subcommittee, the gentleman from Ohio, has said just about all he knows about the Paddy Creek area. The chairman, of course, I suppose, has been no closer than a few thousand miles, or at least a few hundred miles, of Paddy Creek. He may have been in St. Louis at one time going through the airport. But, the point of that, Mr. Speaker, is not that there is any difference in his philosophy if he had been there, but just to point out that he has not been.

□ 2210

And we do not have a philosophical difference, the chairman and I, about our love for the Ozarks and our love of the beauty that is gathered there. I am returning home. These are my last few days in Congress. I am one of those proverbial "lameducks."

But what we do have in strong opposition is the practical and the procedural operations of this Congress in trying to designate Paddy Creek as a wilderness. Paddy Creek, the Oregon wilderness that the gentleman from Oregon (Mr. SMITH) is interested in, and the Irish Wilderness that the gentleman from Missouri (Mr. EMERSON) is interested in have all been conducted without adequate hearings in those districts. Certainly the chairman of the subcommittee has held no hearings on Paddy Creek.

What we have here is an entirely different situation than what we had in Indiana, because the Governor of the State of Missouri does not support Paddy Creek's inclusion as a wilderness, nor does this Member, nor does the other gentleman from Missouri who was speaking and who represents the area close to the Paddy Creek area. We do not have that.

Now, the history of Paddy Creek is not unlike many other of the forestry-owned lands of south central Missouri. The area was cut off with the timber production of one Silvester Paddy, in 1816. He had a large lumbering, timbering operation there in the early 19th century. That is how the area gets the name, Paddy Creek. They cut the trees from Paddy Creek, floated them down Paddy Creek, onto the Gasconade River, down the Missouri River into St. Louis to build homes for the German immigrants who came during the early days of the Arch. "This was the Gateway" to the West period during the early 1800's.

During the Civil War, Mr. Speaker, the area was almost desolate because the Union Forces and the Southern Forces ran the settlers out in Texas County, near Houston, Mo., the largest county in the State, and when the settlers came back after the Civil War to claim their homesteads, there were many losses of lives because of the claims and the counterclaims of the new ownerships.

There was a period of prosperity. My family moved there in the early 1900's. Then in the 1930's during the Great Depression, the U.S. Government bought the land. They bought it for \$1 and \$2 and \$3 an acre from the people who lived there.

Here is the story from the National Geographic:

There were also problems for rangers in the 1930s in the Missouri Ozarks: woodland burnings set almost ritually each spring in the belief they hastened the grasses' greening; struggling peckerwood sawyers who fed their mobile mills with poached timber as an unwritten birthright; moonshiners whose smoking stills could draw an unsuspecting fire-fighting crew into a hail of gunfire.

"The first thing a ranger had to do," said Claude Ferguson, "was to convince the moonshiner he wasn't a 'revenooer.'"

Claude and I grew up in those hills, where, half a century earlier, the straight-grained yellow pine had drawn in big lumber companies. In less than a generation the prime conifers had been logged and hauled along narrow-gauge railroads to the mills, leaving the denuded hills to recloak themselves as best they could. What came back was mostly blackjacket oak, and much of the land, considered nearly worthless by private owners, was eventually purchased by the federal government. It was a familiar pattern in our southeastern woods, a rape of the forest and a jilting of the land. But those woods accounted worthless became the nucleus of our national forest lands east of the plains.

The first units of the Mark Twain National Forest were being formed, one of them cradling the valley-and-hill town of Willow Springs, where I was born. With Claude and other friends, I did a lot of growing up in that forest, drawn by an inborn need to hike and camp and swim and fish in it. My dad hunted squirrel and quail in it, and an uncle farmed rocky fields bordering it.

Claude led our forays into the woods by dint of superior woodsman's lore, and went on to a career in the Forest Service, which was inevitability itself.

When I was a high-school senior, I earned a dollar or two from the same service—at 32 cents an hour, as I recall—fighting forest fires. When flames threatened, our school permitted seniors to go help save the Mark Twain's trees. Trading stuffy classrooms for a ride in green trucks into the glories of autumn woods, we seniors could not have been more pleased.

There is testimony from the hearing that was held in Licking, Mo., from a gentleman, Mr. McLaughlin, who talked about the settlements there and how he needed to be able to go back to find his old friends' home places throughout the Paddy Creek area, throughout the forest area, because now, if they block off the roads that are in there and make this a wilderness area, those old settlers will not be able to go back to their old home places.

The Federal Government, as I say, bought the land from the U.S. Forest Service. Here is a map showing the close proximity of the forest areas, one to the other, the wilderness areas that are proposed or suggested for Missouri.

Now, what I want to point out by referring to the map is that we have designated wilderness areas in Missouri already. We have the Mingo Wilderness area with 8,000 acres, the Hercules-Glade Wilderness area with 12,300 acres, the Piney Creek Wilderness area with 8,400 acres, the Devil's Backbone Wilderness area with 6,900 acres, the Bell Mountain Wilderness area with 8,530 acres, and the Rockpile Mountain Wilderness area with 3,820 acres.

In the RARE II area we are considering today, we have the Irish Wilderness with 17,000 acres. Then we have potential wilderness areas: the Lower Rock Creek, Van East Mountain, Smith Creek, Swan Creek, Spring Creek, North Fork, Big Spring, Upper Jacks Fork, and the Cardareva Area.

The point I want to make with that, Mr. Speaker, is that the Devil's Backbone area is only 52 miles from Paddy Creek; Bell Mountain is only 65 miles away; Hercules-Glade is 73 miles; Rockpile Mountain is 88 miles; Piney Creek is 96 miles; Mingo Reserve is 108 miles; Spring Creek is only 42 miles from Piney Creek; Swan Creek is 60 miles; Big Creek is 68 miles; Anderson Mountain is 80 miles; and Irish Wilderness is 68 miles.

We do not need a wilderness in the Ozark Hills every 50 miles, 20 miles on one side of Houston, Mo., and 20 miles on the other side.

This is a basic topographic area that is beautiful. It is the rocky hills of the Ozarks, but it is no different. The springs are the same, the creeks are the same, and the valleys are the same.

Here are the facts, Mr. Speaker. Paddy Creek is about 6,000 acres. That is about 3 miles by 3 miles. It is about 3 miles east and west and 3 miles north and south. There are 28 miles of

roads already constructed within this area. There are 18.9 miles of trails, including 700 or 800 blazed trees and a number of signs. There are 160 acres of private land in there.

The point of all this is that it is certainly no pristine area. There are fences. There is a sawmill located inside this wilderness area.

Now, the point is that I doubt if anybody else here knows that because they have not been there. Somebody from the U.S. Forest Service ran up a plan or they ran up a flag, somebody rallied around it and ran over here, and the two U.S. Senators, bless their hearts, said that we have got to have a wilderness in Missouri again, another wilderness area.

It is going to cost something. The gentleman from Oregon (Mr. SMITH) talked about the economic cost. It is the same in my area, only it is a teensy-weensy place with a few people making a small living from timbering in an area that is very small.

But it is going to cost \$59,000 to \$67,000 annually out of a school district that is called Plato, Mo., with a high school of 35 seniors and with a gymnasium that was built in 1938. It seems a lot to them.

It has got a potential of selling timber. Between 1965 and 1975 there were 11 timber sales, 3 million board feet, enough timber to build 300 homes. The potential growing stock is 21 million feet.

But is it pristine? Let us look at the facts. Thirty-seven percent of the area is covered with stands of saplings and small trees. Only 5 percent of the area has 99-year-old timber, and that is versus a U.S. Forest Service plan that calls for 10 percent of an area to remain in overmature trees.

There are 47 sawmills, headers, and stave mills surrounding the area, evidence of importance to the timber industry.

Is it a pristine area, Mr. Speaker? Guns from Fort Leonard Wood, Mo., the largest engineering training station in the United States, are 4 miles from Paddy Creek and you can hear the guns. You can hear the artillery. Let us not be sold on this bill of goods that this is a pristine area, that this is an area that we have been looking for, or that this is some area that some people have been just clamoring to make into a wilderness. It certainly is not. There are no endangered or threatened species, and there is no deterioration of the water. In fact, it is a beautiful area. It is an area that I am going home to. I am going home to be with it. I am going there, and I am going to say to the Members of the House that the Missourians are going to take care of it and they are going to take care of it better than if it were a wilderness designation.

Mr. H. O. McLaughlin testified at the hearing. I do not know how old he is. I suggest that he is an elderly man. Here is what he said:

H. O. McLaughlin. I'm H. O. McLaughlin, Plato, Missouri, Box 56, and there is something else, my zip code is 65552. My friends, I'm gonna change the tempo of this meeting just for a moment of history. And I'm not so sure that you're all, or probably any of you, are gonna agree with it or you're gonna like it. But there's been certain things said around this meeting that I didn't exactly agree with, and I didn't like it, but I took it on the chin, so that's just what's gonna happen, hah. My friends, in the Thirties, there was a study made and this study was for National Forest in our area. This land at that time and our people who lived in it were a people that had gone through a Depression. Money was so scarce, seventy-five cents a day was top wages, and you'd better be a good hand to be able to stay there ten hours or you couldn't hack it. Along come this Forest Service and led us to believe that they'd buy our land, they'd give us five dollars an acre for it. They bought most of it off the Courthouse steps or off the speculators that speculated on land, if they could buy it today for two dollars an acre and sell it tomorrow for two dollars and a quarter, they didn't give a damn who they sold it to. That's just exactly, they asked no questions. My friends, that encircled our area and many of our people that has died, have already gone, died with a grudge in their hearts that this happened to them because of land that was taken in and around about them that they had sold, dreamed of owning themselves if they ever could possibly. And to their dying day, they never got to own it, it belongs to the United States Government, and, friends, it went on. I know of only one, and they led us to believe at those meetings that, yes, we'll trade you land here where fences are a problem and this, and we'll swap around and we'll make it right with all of you . . . back in the Thirties when we were all broke, during drouths and there was a Depression that we couldn't do anything about, that's when this all started, here in our State of Missouri. And I had a grudge in my heart for a long time for the Forest Service. I couldn't hardly stomach it to save my life. But I've grown in the years to accept it.

□ 2220

He says he wants to be able to go back into the wilderness area. He wants to be able to drive his car, his pickup truck, back to the old home places of his friends in the wilderness area. He wants to be able to visit those places where there is a firebush growing now by an old homestead of the people that he knew and grew up with in the Paddy Creek area.

I think Congress needs to address itself sometimes more to a local constituency than the U.S. Senators do and that is what I am doing here today, Mr. Speaker. I am speaking for the small group of people, a minority if you will, of people who live in the local area of Paddy Creek who do not want this area designated as a wilderness.

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

Mr. BAILEY of Missouri. I am happy to yield.

Mr. EMERSON. I would like to compliment my colleague from Missouri on his remarks. He has made a very eloquent statement about the Paddy Creek which lies in the district which he presently represents.

He and I have very strong feelings about some of the basic rules of comity which are not being applied here in the House of Representatives. I want to compliment the gentleman on his representation of his people and to say that I as one Representative from Missouri speaking to another intends to abide by the rules of comity and support the gentleman's position.

Mr. BAILEY of Missouri. I thank the gentleman very much.

I would like to add as far, of course, as we know the Farm Bureau and the forest products and the mining industries are opposed to this, the Texas County Courthouse, Democrats to a one, the presiding judge and the two associate judges. It is the local support that is unanimous.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. BAILEY of Missouri. I am happy to yield.

Mr. YOUNG of Alaska. Mr. Speaker, I would like to compliment the gentleman in the well, Mr. BAILEY, and I compliment him because he is speaking on an issue he feels very strongly about. It will probably be the last time he will be on this floor for a period of time and we hope he will come back to us.

Mr. Speaker, I rise in strong opposition to S. 1965, the Paddy Creek wilderness bill. Designation of this 6,700-acre area as wilderness is unnecessary and unwarranted.

As the gentleman from Missouri (Mr. BAILEY) has pointed out, there is no shortage of wilderness areas in Missouri. Five national forest wildernesses already exist totaling 39,575 acres. Four of these areas were designated in 1980 by this Congress. The areas are scattered throughout the State and offer ample opportunities for people to "experience the wilderness." Adding another area will not change this situation but it will lock up an area currently being used by a wide variety of recreational users.

Paddy Creek is not a pristine area and should not have been considered for wilderness designation. There are numerous signs of man's presence in the area—roads, fences, manmade ponds, and evidence of timber harvests. It is time this Congress stopped arbitrarily drawing circles around areas and calling them wilderness when they do not come close to qualifying.

I urge my colleagues to respect the wishes of the gentleman from this area (Mr. BAILEY) and vote against the bill.

Mr. SEIBERLING. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. Mr. Speaker, I rise in strong support of S. 1965, to designate the Paddy Creek area in Missouri as a component of the National Wilderness Preservation System. This area contains about 6,900 acres of land in Texas County, Mo. The land lies around the Little Paddy and Big Paddy Creeks, and is part of the Mark Twain National Forest.

By congressional mandate, the Paddy Creek area was made a wilderness study area in 1976. The 5-year study period has now ended, and the Forest Service has recommended that the area be placed in the wilderness system. I fully support this recommendation, and urge my colleagues to adopt this legislation.

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

Mr. VOLKMER. I yield to the gentleman what little time I have.

Mr. EMERSON. I want to say to the gentleman he is talking about percentages of land and percentages of the national forest and wilderness. I think that is important but I think we also have to look to the views and the attitudes of the local people and what they think about it.

The gentleman here has spoken saying the Texas County Court is in opposition to this. It is the highest elected body in Texas County and I think their opinion ought to have some weight.

Mr. VOLKMER. I would also like to comment there are many people in Texas County who do support this designation and I believe the gentleman from Missouri who spoke previously would have to admit that. I believe if you go back and look at the comments during the time the comment period was opened on the RARE II study it was overwhelmingly in favor of this designation.

Mr. SEIBERLING. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I just want to call attention of the Members again, as emphasized already by the gentleman from Missouri (Mr. VOLKMER) if you looked at the map the gentleman from Missouri (Mr. BAILEY) had beside him when he spoke you can see that the total national forest land in Missouri is a very, very small fraction of the total State of Missouri.

Then if you consider the fact that the proposed wilderness areas when added to all of the other wilderness areas in the State would be only 4.5 percent of that forest land you can begin to see that we are talking about an extremely small percentage.

As the gentleman from Missouri, Mr. VOLKMER, pointed out, it is one-half of 1 percent of the land in Missouri.

But that land is Federal land. It belongs not only to all of the people of Missouri but to all of the people of the United States. It makes a mockery of that to say that we are interfering with the land of the local people. They happen to live there but the land is land that belongs to all of the people of the United States.

This has been supported not only by both Senators from Missouri on both sides of the political aisle but it is supported by other Members of the Missouri delegation in the House. It is supported by most of the newspapers in Missouri. It is supported by the Missouri Wilderness Coalition who has probably more people in it than all of the people that live in the county affected.

But I would like also to say that it is not correct to say that the people in that county are unanimously opposed to this. I have a petition here signed by 44 residents of the area in question. Some of them live within a half a mile of the proposed wilderness.

Here is what it says:

We, the following people of the Roby community would like to see our area known as Paddy Creek protected under the Wilderness Bill for future generations. Some of us work in the timber industry and believe that surely we can afford to set back this 6,858 acre area. We are tired of seeing acre after acre clear cut, we have often thought how nice it would be to have Paddy Creek with all its unique caves, springs, and rock formations set aside for our enjoyment and future generations to come.

Cody Elliott, Garry Williams, Elbert Largent, Charles E. Moffatt, Marvin Myers, J. D. Bays, Henry Croft, Nolan Mace, Rhonda Morgan, Rusty Morgan, Sonia Mace, Lela Bettles, Sam Hathaway, Sam Kinney, Frank Bettles, Kay Bettles, M. M. Brown, Charlotte Brown, Mildred Pitts, Golda Shaffer, Jerry Bettles.

Joel F. Stone, George H. Stone, Alvin R. Mortense, Sharon Mortensen, Fairie Mace, Joe B——, L—— B——, James Woods, Carol Woods, Nancy L. Creaston, Ben Craft, Daisy Kimrey, Eula Kimrey, Hugh Becht, Steve Elliott, Phyllis J. Mace, Leon Mace, Harold Elliott, Ollie Elliott, Bess Hutchison, Carl Hutchison, Carmen Elliott, Wilson Elliott.

□ 2230

Now, it is true, as the gentleman has said, that I have not been to Paddy Creek. I would love to go. As the gentleman from Alaska knows, I love to go to wilderness areas, hike in them, see their natural splendor.

But here we have an overwhelming support within his own home State. We have support of both Senators, passed the Senate unanimously. We have support of other members of the delegation. And we have support of people who live in that area.

I respect the gentleman's right to differ in the views of the majority or the minority. But I have to say that this is not an open-and-shut situation. It is one where both local people and people in the State as a whole favor

this legislation. And I strongly urge our colleagues to support it.

Mr. YOUNG of Alaska. Mr. Speaker, I know it is late and everything else. Again, I want to state this is supposed to be a representative form of government. I am getting tired of listening to what the Senators want or believe in. This is not the Senate. It is the House. And the Senate has its rights, yes. But this gentleman—the gentlemen here represent those areas.

The key to this type of government, if they do not represent them correctly, they are no longer elected. But to say it is in the collective interest, in the national interest, the senatorial interest, is doing a disservice to the House and the committee I serve on.

It is ironic to me the good chairman, who will refer to the Senators today with great love, but at the same time can say the Senators have done the wrong thing in the committee all the time. You cannot have your cake and eat it too.

This is the responsibility of this House. And the delegate represented from that area, elected from that area, has the responsibility of speaking for those people in the majority, and that is what he is doing, and the majority should be listened to in both cases.

I can just say to my colleague those that signed that petition, if you check out their membership, the Sierra Club or the Friends of the Earth, they belong to them all. That serves their philosophy. They have the right to do that. Let us not kid ourselves in this body. Let us recognize it for what they are.

Mr. Speaker, I strongly oppose this legislation. All I can say is one of the gentleman who spoke in favor of it, I do not believe he has 1 acre in his district in wilderness. It is all in someone else's district. I think that is the incorrect way to handle things. If people want wilderness in their area they should support and promote it, but do not put it in somebody else's backyard.

Mr. SEIBERLING. Mr. Speaker, I also mentioned that Members of the House delegation support this legislation.

Mr. YOUNG of Alaska. No one from the House delegation from that district. And that is the difference. The district the wilderness is being proposed, the district of the gentleman from Missouri (Mr. EMERSON), the district of the gentleman from Missouri (Mr. BAILEY), they oppose it. They are elected by those people. If they did not do the job correctly, then in fact they should be unelected.

Mr. SEIBERLING. If I would follow the reasoning of the gentleman, I would infer the reason Mr. BAILEY will not be with us next year is because he did not support this wilderness.

Mr. YOUNG of Alaska. He carried the county. That ought to tell the gentleman something. He carried the

county. They do not want the wilderness area.

Mr. SEIBERLING. I do not make that inference, because I am sure there were other issues. Nevertheless that shows the fallacy of the gentleman's argument.

Mr. YOUNG of Alaska. There is no fallacy. He carried the county. When you have a representative form of government you have to start listening.

Mr. Speaker, I have to say this again and again. This body is slowly evolving into a directed body of dictatorship from those who have the power and not from those who are duly elected from the areas.

"In the national and collective good." I hate that word "collective." There is no such thing as collective good when you have a representative form of government. There is no such thing as national importance when you have a representative form of government.

Now, if we are not going to have a representative form of government, let us forget it. Let us let the White House run the whole thing, or let the Senate run the whole thing. But this body is doing itself a great disservice when we continue to disregard the interest of that specific area, especially in the utilization of resources that affect the employment of people.

It is unfortunate. I have been through this thing for 12 years. I watched my State lose 147 million acres of land in the national interest. The national interest for what? For what? There was no national interest. It was Federal land. It could be federally managed. But, no, we had to make it park and wilderness, and those Alaskans should not have the right to utilize the lands as in the past.

Yes; if they create Paddy Creek Wilderness, those people who want to go back in and see their homesteads will not be allowed to because they cannot walk that far, because they are up in their years. They cannot use those roads or visit those mills. That is what I am objecting to. There is no other value in there, there is no threat to this area.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the Senate bill, S. 1695.

The question was taken.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

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

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

There was no objection.

COMMUNICATION FROM
CHARLES TIMOTHY FRIEDMAN, JR.

The SPEAKER pro tempore laid before the House the following communication from Charles Timothy Friedman, Jr.:

DECEMBER 13, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

CHARLES TIMOTHY FRIEDMAN, JR.

THE NUCLEAR FREEZE DEBATE

Mr. DORNAN of California. Mr. Speaker, I find myself in the closing days of the 97th Congress again in a very frustrating situation because of the last hour and so many of my distinguished colleagues on the House floor desiring to pay respect to some of my hard-working colleagues who are retiring from distinguished service here. I should take the full 60 minutes of this special order because of the critical nature of the subject, the value or feasibility of a nuclear freeze, and past Soviet arms control behavior.

Instead I will endeavor to go speedily through information that I would like to make available to the Members and include an open letter that I wrote to one of the more talented actors in the America firmament of film stars, not our great President, but that fine citizen of Connecticut and California, Mr. Paul Newman. In my letter to Paul I enclosed 67 instances of Soviet violations and deceptions of arms control treaties that are not generally known by even our brightest citizens. The nuclear freeze this summer and fall was based on so much misguided idealism, bad information augmented by deliberate disinformation by citizens not of the United States, that I cannot fault Mr. Newman and other concerned Americans who operate virtually in the blind. The freeze was defeated in Arizona and the vote was close only in California because of the efforts to get the truth out to the American public by well-informed private citizens such as Mr. Martin Coleman from Pacific Palisades. So here

are the facts, folks. No more claims of naivete will be accepted.

Mr. Speaker, the nuclear freeze issue and movie star Paul Newman's naive claims on Soviet treaty compliance prompted me to direct my staff to study Soviet ARMS control behavior. This research led to an open letter to Mr. Newman which includes a documented partial list of Soviet violations, deceptions, and other measures to circumvent arms control agreements, tonight, this information is being submitted to the RECORD.

U.S. Government policy has been to either deny or accept these constant Soviet efforts to evade arms control limitations. I am urging President Reagan to release any information of Soviet arms control "violations" that will not compromise our intelligence-gathering procedures. It is my belief that if the American people are given the facts, they can informatively evaluate the Soviet past as a guide to help determine the future course of U.S. foreign policy.

America should have realistic expectations about the value of arms control in meeting U.S. national security requirements. Arms Control has three main objectives for the United States: First, lower the chance of war; second, reduce the devastation of war; and third, reduce military budgets. Unfortunately, these objectives can conflict with each other. Giving away a needed system in an arms control agreement may reduce the military budget, but increase the chance of war due to unpreparedness. Agreeing to build a defensive system may lower the chance of war and devastation of war, but it can increase the military budget.

The United States has increased defense needs due to the documented massive Soviet military buildup. This can be countered by reducing Soviet offensive threats and/or by increasing U.S. defenses. Arms control attempts to reduce U.S. defense needs by reducing the Soviet threat. If the Soviets have no desire to reduce their military threat to the United States, a good arms control agreement will be difficult to negotiate and have limited utility. Arms control is only possible in areas where both sides are interested. Limiting the possibilities of accidental war is in both nation's interest and hence agreements in this area are attainable and useful.

The Reagan administration's attempts to achieve worthwhile arms control agreements show good faith and our willingness to reduce—not merely freeze—the defense needs of both sides. Unfortunately, if you look at past Soviet arms control behavior, the possibilities for many mutually beneficial agreements appear remote.

The Soviets have different objectives in arms control than the United States. Rather than use the process to allow for reductions on both sides, the

Soviets see arms control as a way to obtain unilateral advantage. Talks are often used as a trap to delay or retard American counters to Soviet actions. Talks can be a stalling tactic. Promising an agreement can help the anti-defense groups in the United States.

The Soviets attempt to reduce those categories of arms where the United States has the advantage.

Agreements are signed with every intention of cheating where possible and using all carefully worded loopholes to the utmost advantage.

An agreement may be reached with the United States to stop our momentum in a certain area, luring us into a false sense of security, with every intention of breaking out of the agreement when it appears they can catch up or pass us in doing so. The Soviets did this when they broke the moratorium on testing nuclear weapons in the atmosphere in September 1961.

Another reason for arms control, in the Soviet view, is for information gathering. The Soviets never issued a data base in the SALT I process. A data base is simply a fair statement of what armaments they have. The Soviets learned what we thought they had been negotiating on the basis of U.S. figures.

The point is, it is difficult to get a worthwhile agreement under these circumstances. A good, verifiable, enforceable agreement is desirable. An agreement that lacks any one of these three key elements is not worth the paper it is written on. The naive belief that a nuclear freeze with the U.S.S.R. would make the world safer is not based on these realities but on wishful thinking. A nuclear freeze that is not based on equality lacks all three elements essential for a desirable agreement.

Let us briefly analyze the problem of verifying a freeze.

To put it simply, it is easier to hide than to find—deception, camouflage, mobility, a closed society, the small size of nuclear weapons, and the ability to store components of a nuclear weapon—which could be quickly assembled for a launch—makes adequate verification by national technical means extremely difficult.

An immediate freeze agreement, even if it was verifiable and enforceable, would not be a good idea because of the adverse military imbalance.

Soviet missile advantages are actually understated. So-called experts look only at deployed, SALT-counted launchers. The Soviets have thousands of additional nondeployed ICBM's that could attack the United States.

The point is, although deployed Soviet ICBM numbers appear to remain constant—only the deployed missiles are remaining constant. Non-deployed missiles can be fired and the

Soviets are building 200 ICBM's every year. We are building none.

Comparing U.S. static numbers to U.S.S.R. static numbers is also misleading because Soviet ICBM's are generally larger and more capable—that is, more warheads—than U.S. ICBM's.

Although most people do not see the SS-20 IRBM as a threat to the United States, this missile has the capability to hit America, according to former Secretary of Defense Melvin Laird. There are 340 SS-20 launchers deployed with 3 warheads each and at least 1 reload per launcher.

The limited antiballistic missile defense capability around Moscow further increases the Soviet missile advantage. Soviet ABM (antiballistic missile) capable SAM's—surface to air missiles—also reduce U.S. missile penetration capability. Remember, the United States has no ABM's. None.

First strike advantage: Most if not all U.S. ICBM's can today be destroyed by only 25 percent of the deployed Soviet ICBM force. Hence if a war started, the Soviets would have a lot more power than appears on the surface—and the United States would have much less.

Mr. Speaker, Soviet submarine missile strength is also underestimated. The United States has 520 SLBM's (submarine launched ballistic missiles) in the active fleet. The U.S.S.R. is only allowed 950 SLBM's under SALT but actually has more because older SLBM's of the U.S.S.R. are not counted.

The U.S.S.R. also has 50 nuclear-powered and 20 diesel-powered subs that carry cruise missiles. That's right, Mr. Speaker, cruise missiles. Most of these are nuclear capable and could be used against the territory of the United States, but are not considered strategic and are ignored in SALT agreements.

The majority of Soviet SLBM's (SS-N-8 and SS-N-18's) have ranges that allow the subs to launch from protected waters so that it is nearly impossible for U.S. ASW (antisubmarine warfare) to neutralize or destroy them.

The Soviets have over 80 ballistic missile carrying subs and over 150 subs that carry some kind of ballistic missile or cruise missile. The United States has less than 100 nuclear- and diesel-powered attack submarines to hunt down those Soviet subs.

The United States has only 32 ballistic missile carrying subs and no, repeat no, cruise missile subs capable of attacking the Soviet Union. Only 19 of our ballistic missile subs may be out of port at any one time—to be hunted down by over 190 Soviet attack submarines.

Contrary to popular beliefs, the Soviets also have a bomber advantage.

U.S.S.R.: 150 long-range Bear and Bison strategic bombers; 180-plus long-

range Backfire strategic bombers (the Soviet B-1); 80-plus other Bear and Bison long-range aircraft; and 740-plus Badger and Blinder medium-range bombers.

United States: 213 B-52's armed for nuclear strategic missions (only some 60 are actually on ground alert with a chance to survive a first strike) and 6 FB-111 medium-range fighter-bombers, actually designed as an all-purpose tactical air command fighter.

What could have been:

B-1 PROCUREMENT PROGRAM, AIR FORCE ESTIMATE

	Buy	Deliveries
Fiscal year:		
1977	3	
1978	5	
1979	13	1
1980	27	4
1981	42	15
1982	48	40
1983	48	48
1984	48	48
1985	6	48
1986		36
Total	240	240

The Soviet bomber advantage is even greater than these numbers because of the asymmetry in air defense. We cannot stop most of their bombers although our Air National Guard and Air Reserve pilots are top notch, as good as active duty pilots. There are simply not enough fighter jocks to go "up and at 'em."

In the 3 years following ratification of the ABM Treaty in 1972, the United States phased out the bulk of its continental air defenses. The Department of Defense stated that with only limited ABM deployment allowed, the utility of air defense in a major attack on the United States is restricted. Our SAM defenses were deactivated years ago and only a token force of 6 USAF squadrons, 108 obsolescent F-106 interceptors, plus some 200 Air National Guard and Canadian aircraft, as Secretary of Defense Donald Rumsfeld said, to "insure the sovereignty of our air space in peacetime." The last SAM site dedicated to the defense of the continental United States was withdrawn from Florida in 1979, just when Cuba was increasing its capability to threaten the southern United States with its new Mig-27 fighter bombers.

The point is hundreds of Soviet bombers are a serious threat to the United States and our allies. The bombers would be essentially unopposed in the United States. It has been estimated that, God forbid it, if war were to strike, almost one-half of the radioactive contamination of the United States would result because the United States has abandoned its air defenses and most Soviet bombers could penetrate unopposed to their targets. Restoration of even a rudimentary air defense would eliminate most of this potential contamination.

In contrast, there are some 10,000-plus SAM launchers and 2,500 interceptor aircraft deployed in the U.S.S.R. These air defenses are continually being modernized.

The effectiveness of the U.S. bomber force depends upon how it is designed to penetrate these Soviet defenses. Because the B-52 has a declining expectancy of penetrating the Soviet air defenses, the B-1 Peacemaker II was specifically designed for this penetration mission. A problem, of course, is that since President Carter killed the B-1, we will not have a new bomber, the B-1B until 1986. While the B-52 must carry us through this decade of vulnerability, the young crews have told me personally that it would be suicide to go into combat in a B-52, virtual U.S. kamikaze missions. Now a brief look at the asymmetry in civil defense.

The importance the Soviets attach to this program is indicated not only by the amount of resources devoted to it, but by the appointment of a Deputy Minister of Defense to head the program. And that was some 10 years ago.

The scope of the civil defense program is such that a very high Soviet official said:

In our country, there is not one economic branch or area of social endeavor that is not in one way or another associated with civil defense.

The source for this quote is the "Civil Defense Review" hearings by the civil defense panel of the Subcommittee on Investigations of the Committee on Armed Services (U.S. House of Representatives, 1976, p. 191).

The Soviets protect 10 to 15 percent of their people in cities of over 25,000 population with blast shelters. The Soviets plan to evacuate and disperse their unprotected population that is in potential target areas. The evacuees will live in their assigned resettlement area where they will be fed and either provided with a fallout shelter or put to work building an expedient one. Contrary to Soviet propaganda which claims a war is not survivable, translated Soviet civil defense manuals say that this evacuation and dispersal of people can reduce deaths in a nuclear war to 3 to 4 percent of the population.

The Soviets also plan to take strong measures to better protect their industry. Boeing Aircraft Co. ran tests of these measures from translated Soviet civil defense manuals. Boeing found that packing critical machinery in sandbags would be fully adequate for Soviet factories since it would protect against fire, debris, and anything but a direct nuclear explosion—up to 80 psi in that awful nuclear effects lingo.

As far as the recovery asymmetry, it was calculated that the Soviets could recover from a nuclear war, war initiated by the Soviets after taking these

civil defense measures, in 2 to 4 years—it would take the United States 3 to 6 times longer to recover.

The casualty asymmetry is also frightening. The United States would lose 10 to 30 times as many people in such a Soviet initiated war as the U.S.S.R. The exact difference is unknown but there is no doubt though that the Soviets would have millions less die than the United States because they have a civil defense program and we do not, even though they start with a current population of 267½ million citizens to our current 232½ million—35 million more citizens than the United States.

The main point of all this comparison between the United States and U.S.S.R. is too show that the United States which had parity with the U.S.S.R. if not superiority when the SALT process began—has fallen behind. The SALT I "freeze" did not prevent the Soviet buildup. The SALT II call for equal levels of "strategic nuclear delivery vehicles" or launchers did not and could not stop or even slow the Soviet buildup across the whole range of conventional and nuclear weapons.

Mr. Speaker, the arms control approach of the past that compared forces on the basis of launchers is fatally flawed as candidate Reagan said in the 1980 Presidential race. The number of launchers on both sides is meaningless. Counting 318 heavy Soviet ICBM launchers such as the SS-18 as equal to 318 U.S. Minuteman launchers is like having a naval agreement and allowing the Soviets 318 aircraft carriers and allowing the United States 318 coastal PT boats.

This whole arms control approach fails to recognize the dynamics of the offense versus the defense, ignores the fact that the Soviets do not keep these agreements very well, and has limited the ability of the United States to defend itself in the ABM Treaty.

Yes, the United States should do everything possible to attempt to reduce or take away the Soviet military threat—through negotiations—but the threat is real and growing every day. We must act to reduce the threat by maintaining an adequate defense, as we talk, talk, talk, honestly and vigorously in attempts to reduce the threat.

Mr. Speaker, history is our only guide to the future and those who ignore history are condemned to relive it, especially painful and bloody history. The record shows arms control as practiced by the United States over the last 10 years failed to check the ongoing awesome Soviet military buildup. The well-intentioned freeze advocates remind me of Neville Chamberlain's naive offer of the Sudetenland to Hitler in 1938. "Peace for our time" was proclaimed, followed shortly by World War II. "Peace through strength" can be the only way to

insure survival of the free world as we move through the uncharted and incredibly dangerous times ahead.

I recommend to my colleagues that they read my letter to Mr. Newman including the partial list of Soviet violations included in my remarks at this point.

OPEN LETTER TO PAUL NEWMAN

Dear Paul, while most people realize that the Soviet Union cannot be trusted to keep arms control agreements, it is understandable why you feel the Soviets abide by treaties. If one were to look only at official U.S. statements on Soviet violations, it may appear that the U.S.S.R. has a good track record in complying with arms control agreements. There are three main reasons why this false impression has persisted and why people of good will such as yourself have been taken for a ride.

First, in order to obtain Soviet agreement on a Standing Consultative Commission (SCC) for airing alleged SALT violations, the U.S. had to agree that the proceedings would be "confidential." Hence, open official U.S. disclosure of Soviet SALT violations is rare.

Second, U.S. intelligence agencies often feel that it is best not to "go public" with successfully determined information of Soviet military activities. Announcing our knowledge of those activities may lead to changes in Soviet camouflage, concealment, and deception (CCD) procedures which could reduce our ability to ferret out such activities in the future.

Third, if an administration supports an arms control agreement, an announcement of Soviet violations would be an admission of a failure in its arms control policy, and hence call into question the success of its overall foreign policy. This leads administrations, Republican or Democratic, toward a policy of ignoring or, much worse, explaining away Soviet violations. For example, according to the U.S. Arms Control and Disarmament Agency (ACDA), the Soviets proposed and the U.S. accepted a "Mistakes Understanding" concerning any violations of the Threshold Test Ban Treaty. The understanding was that "one or two slight, unintended breaches per year" are not to be considered violations.

For these three reasons, there are few official and public U.S. Government documentations of Soviet arms control violations. One does not need to look very hard though, to find numerous reports of Soviet violations, deceptions, and calculated measures to circumvent arms control limitations. Soviet activities have been uncovered by many officials, both in and out of our government. So that debate on the value of arms control can be based on reality and not on naive misperceptions, I am enclosing a partial list of Soviet "violations" that have been reported publicly. In addition, there are many violations that are known only by intelligence officials. And obviously, there are additional violations that are unknown even to Allied intelligence officials, i.e. cases where the Soviets have cheated so cleverly that they have not been caught. After all, our intelligence forces are not perfect.

The following list gives a short description of Soviet Violations, Deceptions, and calculated measures to Circumvent arms control limitations (VDC's) and lists sources that report or discuss the specific Soviet action and/or capability. For more information on a particular Soviet VDC, see the relevant arms control agreement and the sources.

The list is organized as follows: Soviet VDC's are presented; then VDC's of other arms control agreements are outlined.

Note that each VDC is numbered for reference purposes only. The numbers represent different types of VDC's, not the total quantity of all VDC's. For example, violation number one mentions the illegal deployment of 18 SS-9 ICBM's. Each SS-9 was a separate violation, for a total of 18 violations.

SALT

Violation: (1) SS-9: illegal deployment of 18 SS-9 heavy ICBMs at Tyuratam test range during SALT I. This violated the SALT I limitation on ICBM launchers.

Source: David S. Sullivan, Soviet SALT Deception, Coalition of Peace Through Strength, 1979, p. 7; Senator Jake Garn, "The Suppression of Information Concerning Soviet SALT Violations by the U.S. Government," Policy Review, No. 9, Summer 1979, p. 23; Senator Gordon J. Humphrey, "Analysis and Compliance Enforcement in SALT Verification," International Security Review, v. 5, Spring 1980, p. 4; "Soviet Violations of Arms Control Agreements," National Security Record, No. 45, May 1982, The Heritage Foundation, p. 2; Senator Steven Symms, Congressional Record, May 27, 1982, p. S 6357.

Violation: (2) SS-11: deployment of this missile at a SS-4 Medium Range Ballistic Missile (MRBM) site is an instance of attempted deception and is a violation of the SALT I Treaty.

Source: Humphrey, p. 6; "Soviet Violations of Arms Agreements," p. 2; Sullivan, p. 7.

Violation: (3) SS-16: deployment of 40-220 of these mobile ICBMs violates SALT II Provisions banning mobile ICBMs and violates SALT II limits on Strategic Nuclear Delivery Vehicles (SNDV's).

Source: Humphrey, pp. 5, 7, 12; Sullivan, Soviet SALT Deception, p. 4; David Sullivan "A SALT Debate: Continued Soviet Deception," Strategic Review, v. 7, Fall 1979, p. 32; David Sullivan, "Lessons Learned From SALT I and II: New Objectives for SALT III," International Security Review, Vol. VI, No. III, Fall 1981, pp. 362, 368; "Soviet Violations of Arms Agreements," p. 2; Garn, p. 31; Michael Getler, "Government Experts Challenge Reports of Soviet SALT Violations," Washington Post, April 9, 1982; Secretary of State Cyrus Vance, "SALT ONE: Compliance," The Department of State Selected Documents, No. 7, February 1978, p. 10; "Soviets Violate SALT II," Human Events, April 17, 1982, p. 3.

Violation: (4) SS-17: this ICBM was one of the heavy missile replacements for the light SS-11 ICBM. The SS-17 carries four times the warheads of a SS-11 and three to four times the throw weight. These replacements violate SALT I provisions prohibiting replacement of light ICBM launchers with heavies.

Source: "Lessons Learned From SALT I and II: New Objectives for SALT III," p. 365; Lawrence K. Orr, "Soviet Violations of SALT I," Issues in Brief, November 16, 1979, pp. 2, 3, 4; Michael B. Donley, ed., The SALT Handbook, The Heritage Foundation, 1979 p. 62; M. Stanton Evans, "How We Ignore Moscow's Treaty Violations," Human Events, June 19, 1982, p. 7; Garn, pp. 14-20; Soviet SALT Deception, p. 3; Humphrey, p. 7.

Violation: (5) SS-18: encoding of telemetry for this missile violates the agreements in both SALT I and SALT II to refrain from

interfering with national technical means of verification.

Source: Soviet SALT Deception, p. 7; "Soviet Violations of Arms Agreements," p. 2.

Violation: (6) SS-18: Rapid reload and refire exercises for the SS-18 have been reported; these exercises violate SALT II provisions prohibiting rapid reloads for ICBMs.

Source: Symms, p. S 6357; Clarence A. Robinson, Jr., "Soviet SALT Violations Feared," Aviation Week, September 22, 1980.

Violation: (7) SS-19: this ICBM was one of the heavy replacements for the light SS-11 ICBM. The SS-19 carries six times the warheads and three to five times the throw weight of a SS-11. Deployment of the SS-19 violates SALT I provisions prohibiting replacement of light ICBM launchers with heavies.

Source: Donley, p. 62; Orr, pp. 2-4; "Lessons Learned From SALT I and II: New Objectives for SALT III," p. 361; Evans; "Soviet Violations of Arms Agreements," p. 2; Vance, p. 5; Robert J. Einhorn, "Treaty Compliance," Foreign Policy, Winter 1981-82, p. 30; Geoffrey Levitt, "Problems in the Verification and Enforcement of SALT Agreements in Light of the Record of Soviet Compliance With SALT I," Harvard International Law Journal, Vol. 22, No. 2, Spring 1981, pp. 385-386; Garn, pp. 14-20; Soviet SALT Deception, pp. 1-3, 5; Humphrey, pp. 3, 4, 7, 8, 14.

Violation: (8) reintroduction of ICBM equipment to deactivated complexes: these measures violate dismantling or destruction requirements of the SALT Treaties.

Source: Humphrey, p. 13; Air Force magazine, January 1979, p. 18; "Soviet Violations of Arms Agreements," p. 2.

Violation: (9) SS-NX-19: this sea launched cruise missile (SLCM) has had its telemetry encoded during tests which violates the agreements in both SALT I and SALT II forbidding interference with the national technical means of verification of the other party.

Source: Symms, p. S 6357; David S. Sullivan, The Bitter Fruit of SALT: A Record of Soviet Duplicity, Texas Policy Institute, (reprinted in the Congressional Record; May 13, 1982, p. S 5178.)

Violation: (10) SS-NX-20: encoding of telemetry for this sea launched ballistic missile (SLBM) violates both the SALT I and SALT II accords on non-interference with national technical means of verification.

Source: "Soviet Violations Feared," Daniel Southerland, "Are Soviets Violating SALT II Guidelines?" Christian Science Monitor, May 12, 1982, p. 1; Symms, p. S 6357.

Violation: (11) excess old ICBM launchers were not dismantled as required with additional deployments of new SLBM launchers. In 1976 the Soviets admitted they were over the SALT I freeze limit and acted to rectify the situation after much delay. This violation consisted of going over the SALT I freeze limit by 41 launchers.

Source: Orr, pp. 2, 6; "Soviet Violations of Arms Agreements," p. 2; Humphrey, pp. 4-13; Soviet SALT Deception, p. 7; Garn, p. 21; Levitt, p. 390; Vance, p. 7.

Violation: (12) III X launch control silos: the Soviets built 150-200 of these silos in violation of the SALT I freeze on ICBM launchers.

Source: Vance, pp. 4-5; Levitt, p. 386; Clarence A. Robinson, "Soviet Violations Detected," Aviation Week, October 21, 1974; Colin Gray, "SALT I Aftermath: Have the Soviets

Been Cheating?" Air Force magazine, November 1975; Garn, p. 22; Humphrey, p. 8; "Soviet Violations of Arms Agreements," p. 2; Orr, pp. 2-3.

Violation: (13) over SALT I limits on nuclear ballistic missile submarines (SSBNs): the Soviet violated the SALT I limit of 62 SSBNs. Some sources say the Soviets have more than 68 strategic submarines.

Source: Orr, pp. 2, 6; "Soviet Violations of Arms Agreements," p. 2; Humphrey, p. 7; Soviet SALT Deception, p. 4.

Violation: (14) SS-N-12: deployment of this sea launched cruise missile (SLCM) violates the protocol to the SALT II Treaty which prohibits deployment of SLCMs with ranges over 600 kilometers.

Source: The Military Balance 1982-1983, The International Institute for Strategic Studies, London, 1982, lists two range figures for this SLCM: 550 kilometers and 1,000 kilometers; perhaps there are two versions of this SLCM.

Violation: (15) SS-N-3: deployment of this SLCM violates the protocol to the SALT II Treaty which prohibits deployment of SLCMs with ranges in excess of 600 kilometers.

Source: The range of this SLCM is 840 kilometers according to Donley, p. 132.

Violation: (16) development of a tactical ABM has violated the ABM Treaty.

Source: Humphrey, p. 2.

Violation: (17) ABM radars on Kamchatka: this 1975 deployment violated the ABM Treaty of 1972. The Soviet Union merely informed the U.S. that Kamchatka had always been an ABM test site, and deployment of ABM radars at ABM tests sites was allowed. The problem here was that the Soviet Union did not tell the U.S. that Kamchatka was an ABM site when the ABM Treaty was signed.

Source: Garn, p. 25; Vance, p. 6; Orr, p. 10; Levitt, p. 383; Humphrey, p. 3; "Soviet Violations of Arms Agreements," p. 2; Soviet SALT Deception, p. 5; William R. Van Cleave, "SALT on the Eagle's Tail," Strategic Review, Spring 1976, p. 50.

Violation: (18) blinding U.S. satellites with ground based lasers: this violates the SALT provisions that prohibit interference with national technical means of verification.

Source: Levitt, p. 388; Vance, pp. 9-10; Orr, pp. 5, 12; Philip J. Klass, "Anti-Satellite Laser Use Suspected," Aviation Week, December 8, 1975, p. 12.

Violation: (19) SA-2: tests of this surface to air missile (SAM) in an ABM mode has violated the ABM Treaty.

Source: Garn, p. 26; Melvin Laird, "Arms Control: The Russians are Cheating," Reader's Digest, December 1977. (Laird was Nixon's first Secretary of Defense.)

Violation: (20) failure to dismantle excess ABM test range launchers as required by the SCC violated the ABM Treaty.

Source: Soviet SALT deception, p. 7; Humphrey, p. 2; Levitt, pp. 389-390; Vance, p. 6.

Violation: (21) testing a movable ABM: these tests violate the ABM Treaty.

Source: Garn, p. 25; Vance, p. 10; Orr, p. 9; Laird, p. 4; "Soviet Violations of Arms Agreements," p. 2; Humphrey, p. 2; Van Cleave, p. 50.

Violation: (22) deployment of ABM battle management radars: introduction of these radars violates the ABM Treaty.

Source: Orr, p. 9; "Soviet Violations of Arms Agreements," p. 2; Humphrey, p. 2.

Violation: (23) SA-5: tests of this SAM in an ABM mode has violated the ABM Treaty.

Source: Humphrey, p. 2; Soviet SALT Violations Feared; Soviet Violations of Arms

Agreements," p. 2; Levitt, p. 381; Orr, pp. 8-9; John D. Lofton, "Top Military Man at SALT Calls it Quits," Battle Line, July 1979; Robert Hotz, "The Case Against Kissinger," Aviation Week, December 8, 1975; Vance, p. 10; Einhorn, p. 30; Garn, p. 26; Laird.

Violation: (24) SA-10: tests of this SAM in an ABM mode has violated the ABM Treaty.

Source: Humphrey, p. 2.

Violation: (25) Backfire: this bomber (which is not counted as a heavy bomber in the SALT II Treaty) has carried the AS-6 strategic (range over 600 kilometers) air launched cruise missile (ALCM); this violates the SALT II provision that prohibits non-heavy bombers from carrying strategic ALCMs.

Source: "Soviet Violations of Arms Agreements," p. 3; "Soviet SALT Violations Feared," Getler; Donley, p. 123.

Deception: (26) SS-11: deployment of this missile at a SS-4 MRBM site is an instance of attempted deception.

Source: Humphrey, p. 6; "Soviet Violations of Arms Agreements," p. 2; Soviet SALT Deception, p. 7.

Deception: (27) SS-16: this mobile ICBM was tested at night (in 1976) for deception purposes. Tests of the SS-16 have occurred above the arctic circle (not a common practice) to conceal information from U.S. monitors.

Source: Soviet SALT Deception, p. 4; Garn, p. 31; Getler; "A SALT Debate: Continued Soviet Deception," p. 32; Southerland, pp. 1, 14; "Soviets Violate SALT II," p. 3; "How Russia Hides Its Missiles," Foreign Report, published by the Economist newspaper limited, London, March 5, 1981, p. 3; "Lessons Learned From SALT I and II: New Objectives for SALT III," pp. 362, 368; Orr, p. 12.

Deception: (28) encoded telemetry: many Soviet missile tests have used this illegal (according to SALT) deception to make it difficult to determine the size number, and type of warheads.

Source: for reports of encoding (or encryption) of telemetry for the SS-18, SS-NX-19 and SS-NX-20 see Soviet SALT Deception, p. 7; "Soviet Violations of Arms Agreements," p. 2; Symms, p. S 6357; The Bitter Fruit of SALT: A Record of Soviet Duplicity, (in the Congressional Record, May 13, 1982, p. S 5178); Southerland, p. 1; "Soviet Violations Feared."

Deception: (29) the Soviet Union falsified the number of SSBNs and SLBMs deployed and under construction at the time of the SALT I freeze.

Source: Humphrey, p. 4; Soviet SALT Deception, p. 3; "A SALT Debate: Continued Soviet Deception," pp. 31-32; "Lessons Learned From SALT I and II: New Objectives for SALT III," p. 362.

Deception: (30) AS-3 and AS-6: Under SALT II, bombers that carry strategic ALCMs must be counted under Multiple Independently Targeted Reentry Vehicles (MIRV) limits. The Soviets deceptively made the claim that none of their ALCMs had strategic range, so none of their bombers are counted as MIRVed. This claim is false since the AS-3 and AS-6 ALCMs are both strategic.

Source: Donley, p. 126; Soviet Military Power, the Department of Defense, p. 61; "Soviet Violations of Arms Agreements," p. 3.

Deception: (31) Bear: 105 of these heavy bombers are configured to carry the AS-3 strategic ALMC. The Soviets deceptively

claimed no MIRVed heavy bombers in the SALT II data exchange.

Source: Sullivan, in the Congressional Record, May 13, 1982, p. S5179; Symms, p. S6357.

Deception: (32) concealment of missiles as they leave production plants: this deception circumvents SALT I and SALT II provisions that prohibit certain deliberate concealment measures.

Source: "Soviet Violations of Arms Control Agreements," p. 2; Humphrey, p. 5; "How Russia Hides Its Missiles," p. 3.

Deception: other measures to interfere with national technical means of verification include:

Deception: (33) dummy roads, facilities, equipment, and launch sites.

Source: Orr, p. 10; Jack Anderson, "Soviet Subterfuge a SALT Concern," Washington Post, May 23, 1979; "How Russia Hides Its Missiles," p. 2.

Deception: (34) restriction of electronic emissions for air defense radars to prevent interception of data.

Source: Anderson; Orr, p. 10.

Deception: (35) covered submarines with tarps to conceal the SLBM launcher count.

Source: Orr, p. 10; Evans; "How Russia Hides Its Missiles," pp. 2-3; Levitt, p. 389; Humphrey, p. 5; Soviet SALT Deception, p. 4; "Soviet Violations of Arms Agreements," p. 2.

Deception: (36) tunnels to conceal over 20 submarines.

Source: "Soviet Violations of Arms Agreements," p. 2; Soviet SALT Deception, p. 4; Humphrey, p. 5; "How Russia Hides Its Missiles," p. 2.

Deception: (37) camouflaged factories producing missile and submarine components.

Sources: Orr, p. 10; Garn, p. 30; "How Russia Hides Its Missiles," p. 3; Levitt, p. 388; Clarence A. Robinson, Jr., "Soviets Hiding Submarine Work," Aviation Week, November 11, 1974; Humphrey, p. 5; Soviet SALT Deception, p. 4; "Soviet Violations of Arms Agreements," p. 2.

Deception: (38) camouflaged missile launching sites.

Source: Levitt, p. 388; Vance, pp. 7-8; "How Russia Hides Its Missiles," p. 2; Garn, p. 30; Orr, p. 10.

Deception: (39) construction of dummy submarines.

Source: Garn, p. 30; Evans; "How Russia Hides Its Missiles," p. 2; Humphrey, p. 5; Soviet SALT Deception, p. 4; "Soviet Violations of Arms Agreements," p. 2.

Deception: (40) in addition to sending encoded telemetry back from their missiles, (see number 28) the Soviets may have sent deceptive unencoded telemetry.

Source: Edward J. Epstein, "Soviet Missiles Can Fool Monitors," Wall Street Journal, October 18, 1982.

Deception: (41) refusal to give data in SALT I: this deceptive uncooperative behavior allowed the Soviets to later argue that some alleged violations were based on "faulty" U.S. data. (e.g. see number 17).

Source: according to national security advisor Henry Kissinger's White House press briefing on SALT I, June 15, 1972, "the Soviet Union has been extremely reluctant to specify precise numbers . . ." see SALT I Reconsidered, Institute of American Relations, 1979, p. 77 for these remarks.

Deception: (42) SSBN geographical asymmetry farce: the Soviet Union demanded and was granted the right to build more SSBNs than the U.S. during the SALT I freeze on total ICBM and SLBM launchers. This demand was accepted on the basis of a

deceptive claim. The U.S. based some SSBNs overseas. The Soviets claim they should be given more submarines since U.S. submarines could hit Soviet targets while near their bases and Soviet submarines could not hit U.S. territory while near their bases. Soon after the SALT Treaty, the Soviets began testing a new long range SLBM which allows them to hit the U.S. while near home bases. Since the U.S. subsequently withdrew its submarines from overseas bases, the geographical asymmetry is actually the other way.

Source: Soviet SALT Deception, pp. 3-4; "Lessons From SALT I and SALT II: New Objectives for SALT III," p. 362; "A SALT Debate: Continued Soviet Deception," p. 32; Donley, p. 83; the U.S. no longer has overseas home basing of SSBNs according to Senior Chief Riccio, Office of Naval Research.

Deception: (43) Backfire: the Soviet Union has been deceptive in describing this bomber as medium range, in its claims that the Backfire does not have and will not be given the capability to strike targets in the U.S., and in the production rate. There is no doubt that the Backfire bomber (which can be refueled in flight) can attack targets in the U.S.

Source: Soviet SALT Deception, p. 7; Humphrey, p. 6; SALT II Reference Guide, The White House, Spring 1979; "Lessons Learned From SALT I and II: New Objectives for SALT III," pp. 364, 368; "A SALT Debate: Continued Soviet Deception," p. 37.

Deception: (44) camouflage, concealment, and deception of ABM deactivation: these measures violate the SALT provisions that prohibit interference with national technical means of verification.

Source: Soviet SALT Deception, p. 7; Humphrey, p. 2; "Soviet Violations of Arms Agreements," p. 2.

Circumvention: (45) SS-7: large numbers of old SS-7 heavy missiles at an unidentified installation circumvents the SALT I provisions requiring destruction or dismantling of old systems as they are replaced.

Source: Soviet SALT Deception, p. 7; Air Force magazine, September 1979, p. 24; Humphrey, p. 6.

Circumvention: (46) SS-16: tests of this mobile ICBM circumvented Brezhnev's pledge to Nixon that the Soviet Union would not deploy a mobile ICBM.

Source: Soviet SALT Deception, p. 4; Garn, p. 31; "How Russia Hides Its Missiles," p. 2; "A SALT Debate: Continued Soviet Deception," p. 32; "Lessons Learned From SALT I and II: New Objectives for SALT III," p. 362; Getler; Orr, p. 12; Garn, p. 31; Humphrey, p. 5.

Circumvention: (47) SS-18: simulated tests of this missile with more than ten warheads circumvents the SALT II limit of ten warheads on an ICBM.

Source: William E. Jackson, Jr., quoted by Southerland, p. 14.

Circumvention: (48) SS-20: the Soviets have circumvented the SALT agreements with this missile which is called an intermediate range ballistic missile (IRBM) but which has ICBM range. The range of this missile (over 5,500 kilometers) should qualify it as an ICBM under SALT definitions. Encryption of the telemetry data in tests of this missile also circumvents the SALT agreements.

Source: "Soviet Violations of Arms Agreements," p. 2; Humphrey, p. 5; Symms, p. S 6357; Levitt, p. 387; Vance, p. 10; Orr, p. 5; Laird.

Circumvention: (49) extra missiles have been stored: when the Soviet Union has re-

placed old missiles, it has kept them as a strategic reserve. This circumvents the stipulations of the SALT agreements which call for dismantling or destruction of ICBM launchers when replaced by new SLBM launchers.

Source: "Lessons Learned From SALT I and II: New Objectives for SALT III," p. 368; "Whither Arms Control-II," Wall Street Journal, May 20, 1982, p. 26; Soviet SALT Deception, p. 7; Humphrey, p. 5; "Soviet Violations of Arms Agreements," p. 2; see also the Harold Brown Department of Defense Reports which mention these extra missiles.

Circumvention: (50) Hotel SSBN: these submarines circumvented the SALT I Treaty; although equipped with SLBMs, these submarines were not counted under SALT limits.

Source: for a description of these submarines see Donley, pp. 93-101; the Military Balance 1982-83; or Jane's Fighting Ships.

Circumvention: (51) Golf Ballistic Missile Submarine (SSB): these submarines also circumvented the SALT I limits; although these submarines carried SLBMs, they were not counted toward the Soviet limit of 62 ballistic missile submarines.

Source: for a description of these submarines see Donley, pp. 93-101; the Military Balance 1982-83, or Jane's Fighting Ships.

Circumvention: (52) Cruise Missile Submarines (SSGN and SSG): the Soviets have 50 nuclear powered and 20 diesel powered cruise missile submarines that have circumvented the SALT limits. Most of these cruise missiles are nuclear capable.

Source: Soviet Military Power, p. 40; Donley, p. 132; "Soviet Violations of Arms Agreements," p. 3; "Lessons Learned From SALT II: New Objectives for SALT III," p. 368.

Circumvention: (53) development of two new ICBMs: SALT II only allows the deployment of one new ICBM. These developments then circumvent the SALT Treaty. Deployment of course would violate the treaty.

Source: William E. Jackson, Jr., p. 14.

Circumvention: (54) concealment of missiles as they leave production plants: this deception circumvents SALT I and SALT II provisions that prohibit certain deliberate concealment measures.

Source: "Soviet Violations of Arms Agreements," p. 2; Humphrey, p. 5; "How Russia Hides Its Missiles," p. 3.

Circumvention: (55) Anti-Satellite weapons (ASATs): these ASATs circumvent the SALT provisions that prohibit interference with national technical means of verification.

Source: Vance p. 10; Levitt, p. 388; Clarence A. Robinson, Jr., "Soviets Push for Beam Weapon," Aviation Week, May 2, 1977.

Circumvention: (56) Bear: Navy versions of this strategic heavy bomber circumvent SALT II limitations. While these aircraft are not counted, hundreds of junked B-52s are counted.

Source: Donley, p. 109; Soviet Military Power, p. 47; Soviet SALT Deception, p. 10.

Circumvention: (57) testing illegal ABM radars (high powered) and developing illegal exotic technologies (e.g. beams and lasers) circumvents the ABM Treaty which prohibits the deployment of these measures.

Source: Orr, p. 8; Evans; Garn, p. 24; Henry S. Bradsher, "Soviet ABM Setup Has Pentagon Concerned," Washington Star, February 16, 1977; Levitt, p. 384; Clarence A. Robinson, Jr., "Further violations of SALT

Seen," *Aviation Week*, February 3, 1975; Clarence A. Robinson, Jr., "Soviets Push for Beam Weapons," *Humphrey*, p. 2; Van Cleave, p. 50

OUTER SPACE TREATY

Circumvention: (58) Fractional Orbital Bombardment System (FOBs): this is SS-9 heavy ICBMs at the Tyuratam test range were designed to become a FOBs upon launch. This capability circumvented the Outer Space Treaty provisions prohibiting weapons of mass destruction in space.

Source: Soviet SALT Deception, p. 7; *Humphrey*, p. 6.

ATMOSPHERIC TEST BAN MORATORIUM OF 1958

Violation: (59) over 30 Soviet tests were conducted in the atmosphere in less than two months (beginning September 1, 1961.)

Source: Kathleen Teltsch, "U.N., 87-11, Appeals to Soviet on Test," *New York Times*, October 28, 1961.

1962 CUBAN MISSILE CRISIS AGREEMENT

Violation: (60) a few of the violations of the agreement which prohibits the stationing of offensive arms in Cuba are: ballistic missile submarines visiting Cienfuegos harbor; nuclear capable MIGs being given to Cuba; and a Soviet combat brigade stationed in Cuba.

Source: There are numerous reports of these Soviet and Cuban activities; a few of these sources are: "Soviet Violations of Arms Agreements," p. 2; *Humphrey*, p. 7; *Soviet SALT Deception*, p. 8; *Air Force magazine*, September 1979, p. 22.

THRESHOLD TEST BAN TREATY

Violation: (61) the Soviets have made many tests in violation of the 150 kiloton limit.

Source: Einhorn, p. 31; "Soviet Violations of Arms Agreements," p. 1; "Soviet SALT Violations Feared," *Humphrey*, p. 7; Rowland Evans and Robert Novak, "Violations of the Test Ban?" *Washington Post*, September 1979; *Soviet SALT Deception*, p. 8.

1973 AGREEMENT BETWEEN THE U.S.A. AND THE U.S.S.R. ON THE PREVENTION OF NUCLEAR WAR

Violation: (62) the Soviet Union failed to consult with the U.S. concerning the Arab-Israeli 1973 War and threatened to use force against a U.S. ally (i.e. Israel); these actions were violations of this Agreement.

Source: "Soviet Violations of Arms Agreements," p. 2.

MUTUALLY BALANCED FORCE REDUCTION TALKS (MBFR)

Deception: (63) Soviet deception and fabrication of Warsaw Pact force levels at these negotiations is the norm.

Sources: Soviet SALT Deception, p. 7.

BREZHNEV'S SS-20 PLEDGE

Violation: (64) Brezhnev's March 1982 pledge to freeze Soviet deployments of SS-20s was nothing more than a propaganda ploy since the Soviet Union has deployed since the Soviet Union has deployed 40-50 SS-20 since that time and continues to introduce new SS-20 launchers at a rate of one every five days.

Source: Secretary of Defense Weinberger announced this in an October 1982 issue of *Il Tempo*, an Italian newspaper; see also the *Washington Post*, October 16, 1982 for this report.

GENEVA PROTOCOL

Violation: (65) Soviet use of lethal nerve gas on populations in Afghanistan violates this Treaty.

Sources: "Soviet Violations of Arms Agreements," p. 3; *Chemical Warfare in South-*

east Asia and Afghanistan, U.S. Department of State; Gloria Duffy, "Chemical Warfare: The Cloud of Doubt," *Christian Science Monitor*, January 26, 1982, p. 23.

BIOLOGICAL WEAPONS CONVENTION (BWC)

Violation: (66) a 1979 anthrax epidemic (fatal to thousands) in Sverdlovsk, USSR, gives evidence that this Convention has been violated. An accidental explosion at a military installation that had been a suspected biological weapons production plant caused the epidemic. The Soviets deny this, but refuse to have discussions with the U.S. concerning this violation.

Sources: Einhorn, p. 32.

BIOLOGICAL WEAPONS CONVENTION (BWC)

Violation: (67) the U.S. has put before the U.N. evidence collected in Southeast Asia that lethal chemical and biological warfare toxins have been used by Soviet supplied Vietnamese troops on people in Laos and Cambodia. Use of these toxins called "yellow rain" and "white rain" violate the BWC.

Sources: "Soviet Violations of Arms Agreements," p. 3; *Chemical Warfare in South-east Asia and Afghanistan*, Einhorn, p. 32.

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TRIBUTE TO HON. GREG CARMAN, HON. JOHN LeBOUILLIER, HON. GARY LEE, AND HON. DON MITCHELL

The SPEAKER pro tempore (Mr. RATCHFORD). Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 60 minutes.

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

Mr. HORTON. Mr. Speaker, as dean of the New York Republican congressional delegation, I requested this special order to honor four New York Republican Members who will not be returning to the 98th Congress next year. They are Congressmen GREG CARMAN, JOHN LeBOUILLIER, GARY LEE, and DON MITCHELL. Each of these Members represented the constituents of their respective districts outstandingly well. I know the entire New York delegation, as well as the Members of this House, join me in wishing them success in their future endeavors.

Mr. Speaker, I join with my colleagues today in expressing both my respect and admiration for the work of my friend, Congressman GREGORY CARMAN, and his service to the people of New York's Third Congressional District. GREG was elected to this House on November 4, 1980. In just 2 short years, GREG established himself as a respected and able Member of Congress.

GREG served this House on both the Committee on Banking, Finance and

Urban Affairs, and the Select Committee on Aging. To his credit, GREG has earned the respect of a very troubled industry, the financial industry, through his devotion to his committee assignment. I personally have worked with GREG on issues of vital interest to the Northeast-Midwest and can attest to his deep conviction and concern for the well-being of his constituents and this country.

I am disappointed that this House will not be afforded the able and tireless services of my friend, GREGORY CARMAN, during the 98th Congress. I would like to take this opportunity to commend GREG on his fine record of accomplishment and wish him the very best of luck in his future endeavors.

Mr. Speaker, JOHN LeBOUILLIER was elected to, and actively and effectively participated in, what is already being called a most historic Congress. His successful election bid came 2 years after his graduation from the Harvard Business School, and after he had authored several widely read articles and books on the problems and challenges facing American today. His knowledge of government and business, combined with his candor, diligence, and dedication to the responsibilities of his office earned him the respect and admiration of his colleagues, myself included.

JOHN is an outstanding individual and a colleague whose opinions I value highly. I regret that he will not be here in the 98th Congress, but I wish him the very best in whatever pursuit he should attempt.

Mr. Speaker, GARY LEE is a close friend and has been a trusted colleague throughout our 4 years of service together in the House. He has a solid understanding of the problems facing New York and the Northeast, and has represented the constituents of his 33d Congressional District with tireless energy and dedication. He is an outstanding individual whose presence will be sorely missed in the 98th Congress.

GARY brought to this Congress a wealth of knowledge about State and local government, knowledge which he acquired through a distinguished career of public service which began with his election to the Dryden City Council in 1960. He later served as Dryden town supervisor, member and later chairman of the Thompsons County Board of Supervisors, member of the New York State Assembly, and in 1978 he was elected to the 96th Congress.

In Congress, GARY ably and effectively served on the Energy and Commerce Committee. In 4 short years, he established a solid reputation as an effective, intelligent, and hard-working legislator.

I commend GARY for the work he did in this Congress so outstandingly

well. As I stated earlier, his energy and dedication will be sorely missed.

Mr. Speaker, DON MITCHELL has been a close friend of mine throughout our service together in the House of Representatives. I have valued his friendship, as well as his counsel on any number of issues important to the State of New York and this Nation.

Don and I have worked closely together on a wide variety of endeavors ranging from the New York State Republican congressional delegation to the Canadian-United States Interparliamentary Conferences. During his 10 years of service in the House of Representatives, and his work on the Armed Services Committee, Don has displayed an intense devotion to the needs and best interests of his constituents in the 31st Congressional District of New York, as well as the people of the United States.

Don has a very distinguished record of service to society. Don served in the Navy as an aviator during World War II. Later he became the mayor of Herkimer, N.Y., before moving on to the New York State Assembly. In 1972, Don was elected to the U.S. House of Representatives from New York's 31st District.

Significantly, Don did not confine his efforts on behalf of his fellow man to the political sector. In conjunction with his public service, Don has been extremely active in many private service clubs and organizations, making a very positive contribution to the well-being of his friends and neighbors.

I know that we in this House will miss the intelligence, the commonsense, and the abilities of DON MITCHELL during the 98th Congress. I am sure that the Members join me in wishing Don and his family the very best of luck in the future.

● Mrs. HOLT. Mr. Speaker, DON MITCHELL, a member of the class of the 93d Congress, is leaving this House at the end of the session. I came to Congress with Don and it has been my great pleasure to serve with him on the Armed Services Committee. He is one of the finest gentlemen I have ever met. We will miss his contributions here on the floor, but even more, we will miss his expertise in committee, where he has combined fiscal responsibility with a real understanding of our defense needs. Don has helped to lead the fight to restore our defense capabilities, and we should all thank him for that. I personally will miss him, and I know that Duncan and I wish him and Gretta the best of luck and much happiness.

● Mr. ERLBORN. Mr. Speaker, among our colleagues who will be retiring at the end of this Congress is DON MITCHELL of New York. I want to add my good wishes to those others are making to Don for a healthy and happy retirement.

Don has devoted 10 years to serving the people of what has been New York's 31st District, and they can be proud of having voted five times to have him represent them in this body. He is a fine human being who has done his homework and deserves time with his family.

● Mr. FUQUA. Mr. Speaker, the Honorable DONALD J. MITCHELL of the 31st District of New York will be ending his congressional service when this body adjourns this year and I think this is an appropriate time to recognize the outstanding contributions he has made to our deliberations.

I have always felt that the standard by which a Member of this House should be measured is the contribution he or she makes as we face decisions on the difficult issues which come before us.

DONALD MITCHELL has more than measured up to its standard.

His 10 years of service in the U.S. House of Representatives had been marked by outstanding service to his constituents as well as a deep and abiding concern for the welfare of the Nation.

Having previously served in elective office as a town councilman and mayor and as a State assemblyman in New York, where he rose to the position of majority whip, DONALD MITCHELL came among us with an intimate knowledge of local and State problems which translated into useful insight for the House of Representatives as we considered programs which affected State and local government.

I consider myself more fortunate than most Members of this House because DONALD MITCHELL has shown the wisdom to purchase property in beautiful Cedar Key, one of the many coastal jewels in my district, and will thus be a constituent of mine.

I wish him great success in all his future endeavors.

● Mr. PIAGGI. Mr. Speaker, I rise today to pay tribute to a fine gentleman and an extremely capable legislator as well as friend, DON MITCHELL, who has decided to seek his well-earned retirement after 10 years in service to the people of the 31st District of New York.

Don, who was elected to Congress in 1972, has served with distinction as a member of the House Committee on Armed Services. During that time, he has contributed vitally to the improvement of life for our military personnel, while serving as the ranking minority member of the Subcommittee on Military Personnel and Compensation. He has been responsible for major pay increases and important benefits for those who are directly responsible for the freedom and protection of our great country. He has been a friend to our military men and women here and abroad.

Don has shown an active involvement and interest as well in our Nation's civil defense; he has been a staunch supporter of keeping the citizens of the United States informed and alert in the event of a nuclear attack or any major disaster; he has fought to increase authorizations for programs such as FEMA, the agency created to enhance the multiple use of emergency preparedness and resources at the Federal, State, and local levels of government. Don has been the major proponent of civil defense in Congress.

During his tenure in Congress, Don cofounded the Northeast Midwest Congressional Coalition, and has served as part of the Republican leadership, as assistant regional whip for New England and the Middle Atlantic States.

I am sure that Don's work on behalf of national, social, and civic causes he believes in will continue long after he leaves us. While Don is leaving Congress to return to his optometry business part-time and to enjoy the relaxation and less- hectic life that he richly deserves, I hope he knows how much we will miss him. I will miss; he has been a good friend.

May Don, his lovely wife, Gretta, and their family share a fruitful and relaxing future together.

● Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York for the opportunity to honor our departing colleague, GREGORY W. CARMAN. It is truly our loss that this bright, young talent is leaving the House of Representatives. He has exhibited his expertise on the Banking, Finance and Urban Affairs Committee, where he has also been instrumental in serving his constituents to shore up financial institutions in his district.

Representative CARMAN has been a true representative and fighter for the people of the Third District. As a freshman he boldly worked to stop all present and future dumping of dredged waste in the Long Island Sound through legislation amending the Clean Water Act and the Ocean Dumping Act. He has also distinguished himself in his staunch efforts to keep Grumman a family oriented, community owned, and Long Island operated business by opposing the LTV Corp. takeover attempt and leading a determined fight to this end.

GREG followed through on the trust placed in him in his appointment by the Republican leadership to the Republican Task Force on Crime, as with every task he took on. Perhaps the greatest tribute that we could give GREG is to repeat the honor bestowed on him by the senior citizens of the Woodbury health related facility in his district, who named him "Man of the Year" for his conscientious work on the Select Committee on Aging.

Certainly GREG, as we lament your departure we also wish you good health and joy in the years ahead, knowing that you will continue to use your keen intellect and your determination to take action to improve the quality of life for the benefit of the people of the State of New York and this Nation.●

● Mr. LOEFFLER. Mr. Speaker, with sincere respect—indeed with great affection—I salute my distinguished friend and colleague, GARY LEE of New York.

I had the privilege of serving with GARY in the last Congress on the Energy and Commerce Committee, where he worked diligently in behalf of measures to encourage increased production and conservation of our crucial energy resources. For his efforts, our Nation owes GARY a debt of gratitude.

During this Congress, GARY spoke strongly and wisely in opposing higher taxes, deficit spending, and increased Federal intrusion in our daily lives.

Thank you, GARY, for your dedicated efforts in behalf of our country. We shall miss you. Keep in close touch.●

● Mr. GILMAN. Mr. Speaker, I thank our colleague, the gentleman from New York (Mr. HORTON) for arranging this time for us to bid our farewells to those members of the New York delegation who will not be with us in January. I speak now of JOHN LEBOUTILLIER, who had the privilege of representing the Sixth District of New York, which includes the North Shore of Long Island, and parts of Queens.

When JOHN came to this body 2 years ago, he gained our attention as the youngest Republican Member elected to the 97th Congress. He was a scant 27 years of age—but nonetheless, put all his energies and efforts into his committee assignment, that of Foreign Affairs. I was pleased to have JOHN's input on our committee, and appreciated his diligent work on behalf of our POW's and MIA's. It is a difficult assignment for anyone, since information is so rarely available, and much frustration ensues. But JOHN LEBOUTILLIER persevered in this work, and the entire Foreign Affairs Committee is the better for it.

I know that my colleagues are also aware of JOHN's literary accomplishments as the author of "Harvard Hates America," as well as a novel, and we hope that JOHN will continue to write in the future. I am pleased to join in wishing him best wishes for success and happiness in the months and years ahead, Mr. Speaker, secure in the knowledge that JOHN has gained a wealth of experience from his service in the House of Representatives that will remain with him for a long time.●

● Mr. MARTIN of New York. Mr. Speaker, I am deeply grateful to the dean of our New York State Republi-

can delegation for this opportunity to salute our four departing members.

It comes as no surprise to anyone, Mr. Speaker, to say that the New York congressional delegation has been hard hit by reapportionment, primarily due to population losses in some of our downstate areas. But in addition to that, and in some cases because of it, we are losing not just seats, but flesh-and-blood individuals of high quality.

GREGORY W. CARMAN and JOHN LEBOUTILLIER have been classmates of mine for the past 2 years. Serving in this Congress with them has been most pleasurable, and they can take pride in the spirit and contributions which our class of 1980 has brought to the 97th Congress and the accomplishments we have helped bring about.

Since our first days in Congress, I have been deeply impressed and gratified by GREG CARMAN's knowledge of and concern for my congressional district in the northernmost reaches of the State. Having attended St. Lawrence University in my district, GREG had a most valuable comprehension of our needs as well as those of his own area. This has indeed been a valuable asset to our entire delegation.

JOHN LEBOUTILLIER, of course, is still a young man and has many more valuable contributions to make to his country after his departure from this body. In particular, I hope he will continue to encourage our young people to participate in politics and enter our political system as early in their lives as possible.

In my own area of the State, Mr. Speaker, we are losing two of our most forceful advocates in GARY A. LEE and DONALD J. MITCHELL.

It has been my pleasure to serve with GARY LEE in both the New York State Assembly and here in Congress. I am well aware, therefore, of his keen legislative ability, his dedication to his constituents, and the high degree of energy with which he has practiced both.

As a Navy veteran, an elected official at the local and State levels and an able college administrator, GARY LEE brought to Congress a unique blend and breadth of experience. That experience was an asset to this entire body; I know I personally will miss his always generous and helpful advice.

While I gladly join this tribute to our good friend DON MITCHELL, Mr. Speaker, I refrain, with equal pleasure, from bidding him farewell. Having been assigned, through reapportionment, three of the counties which he has represented so ably over the years, I can look forward to having him as a most distinguished constituent.

As many of our colleagues already know, DON is returning home to the lovely village of Herkimer, N.Y. to resume his optometry practice. He will

be looking into my eyes often as I seek him out for his good counsel.

DON MITCHELL, Mr. Speaker, has not been one to "hunt ducks with a brass band." Instead, he has devoted himself quietly to the kind of work that brings honor to this entire body, with ability and experience built up over his years as a Herkimer councilman, mayor, and New York State Assemblyman.

DON's experience in local and State government clearly has contributed immensely to his views on fiscal responsibility in Government, the value of local initiative and the importance of effective constituent service. Just as clearly, his experience as a World War II Navy pilot has contributed to his outstanding—indeed, patriotic—work as a member of the House Armed Services Committee.

Typically, as a member of that panel, DON has tackled the nuts-and-bolts issues, leaving the popular and grand designs to others. We are all in his debt for his efforts on behalf of civil defense and military personnel.

But despite all this, Mr. Speaker, nothing has become DON MITCHELL over his 10 years of congressional service as his deep love for the region in which he and his constituents live.●

● Mr. ERLBORN. Mr. Speaker, although I am sorry that our colleague, GARY LEE of New York, will not be returning for the 98th Congress, I am pleased to join in this salute to him.

GARY has been an effective legislator, one with whom it has been a pleasure to work. He is a good and decent person, and I wish him success in his new endeavors.●

● Mr. BRINKLEY. Mr. Speaker, DON MITCHELL will be remembered in this body as an uncommon man. He is very practical and at the same time he can make projections into the future which make a lot of sense. Civil defense is one such area which DON has identified as a candidate for improving. Relative costs are low when overall Defense Department costs are considered; such costs would be defensive in nature, and protective in nature, whereas the bulk of defense armament spending is offensive in nature. This is something we would be doing for our own people to save lives in the event of war. Additionally, the peacetime dimension on guard against natural disasters would accrue as a peacetime benefit. That is important and DON MITCHELL will be remembered as a pioneer in this area.

DON, you are a terrific guy, and we wish you well.●

● Mr. GREEN. Mr. Speaker, I rise this evening out of great respect for four of our distinguished colleagues who will not be returning for the 98th Congress. Representatives DONALD MITCHELL, GARY LEE, GREG CARMAN, and JOHN LEBOUTILLIER have contributed

greatly to the workings of this body and they will be missed.

The relationship I have with my good friend DON MITCHELL goes back many years. In fact, he and I first entered the State legislature in Albany together in the same class which was elected in November of 1964. Subsequently, he was elected to the 93d Congress, and I renewed our partnership when I joined him here in the 95th.

GARY LEE has demonstrated outstanding leadership on several issues, perhaps most importantly on those regarding railroad and other transportation matters which are so critical to the Northeast.

All four of these gentlemen have served their districts and the Nation with distinction. I will miss them personally, this body will miss their various contributions, and I know that every Member of the house joins me in wishing them well in their future activities.●

● Mr. WORTLEY. Mr. Speaker, although I rarely agreed with him, Walter Lippmann once said:

The final test of a leader is that he leaves behind in other men the conviction and the will to carry on:

In this Mr. Lippmann was correct and there is no finer example of the legacy that men of leadership quality leave behind than is exhibited by four of my retiring fellow New York colleagues; GARY LEE, DON MITCHELL, GREG CARMAN, and JOHN LEBOUTELLIER.

GARY LEE, my colleague with whom I share Onondaga County has made outstanding contributions in both the 96th and 97th Congresses. His service on the Energy and Commerce Committee has earned the respect of fellow committee members and professional staff members. GARY was never afraid to take the point in tough issues that sometimes were viewed as unpopular by the interest groups, and he never stayed away from the tough battles—if he was convinced it was the right battle. I have a great deal of respect for GARY, it has been a tough year for both of us, I consider him a friend and I know that he will always stand up for America, he is a standup guy. He has been good for New York and good for our country. To GARY, his wife Kathleen, and to his children, I wish them the very best.

DON MITCHELL my neighboring colleague to the east has provided me sage wisdom in my first term in Congress and I will dearly miss his advice and counsel. There is no one who is a greater defender of our Armed Services than DON. His service on the Armed Services Committee is marked with achievement at every turn. As an upstate Congressman like myself he has been a big boost to continuing a Defense Department commitment to our area. I understand that when DON

leaves the Hill in a few weeks he is returning to the central New York area he loves so much. I do not blame him one bit—perhaps there is a little jealousy there because I understand the attraction and natural beauty of that area so well. I will miss DON but he too leaves behind as Mr. Lippmann said "the conviction and the will to carry on."

GREG CARMAN and I came into the freshman class together this year and we fast became friends as well as colleagues. We were fortunate to share committee assignments on the Banking, Finance and Urban Affairs Committee and the Select Committee on Aging. I was able to observe firsthand the contributions he made in his all-too-brief stay in the 97th Congress. Long Island can be proud that they sent GREG here to represent them, as I am proud to have worked with him these last 24 months.

JOHN LEBOUTELLIER, although a fellow freshman with me this year—he is really about half my age—who brought with him a sense of purpose and dedication to the job that has rarely been exhibited by an incoming Member. JOHN is not afraid to speak out in behalf of his beliefs regardless of political risks. His candid style and openness brought a large dose of fresh air to this body that sometimes suffers from staleness and rigidity. JOHN succeeded in piercing that veil, and by speaking out caused us all to think a little differently, and perhaps a little more candidly. That is JOHN's legacy. His impact on this body will be felt for years to come.●

● Mr. NICHOLS. Mr. Speaker, as chairman of the Subcommittee on Military Personnel and Compensation, I have had the distinct pleasure of working very closely with DON MITCHELL for a number of years. No subcommittee chairman could ask for a finer or more dedicated ranking minority member. Ours is a partnership that has been very important to me, both personally and professionally. I have come to rely on DON frequently for his strong support and wise counsel.

Results speak louder than words. DON MITCHELL has played a major role in the dramatic turnaround we have seen in terms of military manpower during the past 18 months. Two years ago, only slightly more than half of the Army's nonprior-service recruits were high-school graduates. Today that figure is 86 percent. Over 80 percent of today's recruits are in the top three mental categories, compared with just 50 percent in 1980. Retention statistics are similarly impressive.

Obviously, there is no one explanation for this reversal. The state of the economy has played a role, as well as the renewed national pride in military service. However, Congress can take much of the credit as well. The comprehensive improvements in military

pay and allowances enacted during 1980-81 literally turned the tide. DON MITCHELL was a principal player in the enactment of that legislation and deserves a great deal of the credit for our current record of success.

In addition to his tireless efforts on behalf of better pay, DON MITCHELL has made a significant contribution to achieving a workable compromise on the legislation enacted in September to protect the rights of divorced military wives. When the Armed Services Committee restructured the compensation for military physicians several years ago, DON MITCHELL's expertise in health care matters was invaluable. He has fought tenaciously over the years to prevent the piecemeal erosion of military benefit.

In September the Council of Military Organizations, composed of a number of associations that represent active duty and retired military personnel, hosted a luncheon to express the thanks and appreciation of their respective memberships to DON. It was a well-deserved tribute. He has always been willing to stand up and be counted on behalf of our Nation's men and women in uniform and their families.

DON, Carolyn joins me in wishing you and Gretta a very happy and prosperous retirement. You have earned it, and I know your optometry practice will keep you extremely busy. You will be sorely missed by the Congress, by the Armed Services Committee, and by the servicemen and women of the Nation.●

● Mr. DICKINSON. Mr. Speaker, there is no question about it: We are going to miss DON MITCHELL greatly. It has been a pleasure to serve with DON on the House Armed Services Committee where he has been a strong and effective advocate of improving our Nation's defense posture.

We have had many lean years for the Defense budget, years when it was not popular to support the expenditures necessary for a strong national defense. DON MITCHELL was not intimidated by the hue and cry of those who were willing to sacrifice national security to meet other short-term goals. He has been willing to stand up and be counted in support of realistic levels of defense spending.

He epitomizes the quote attributed to British Air Marshal Sir John Slessor:

It is customary in democratic countries to deplore expenditure on armaments as conflicting with the requirements of social service. There is a tendency to forget that the most important social service that a government can do for its people is to keep them alive and free.

As a firm believer in civil defense and the acknowledged congressional expert in the field, DON MITCHELL has always been willing to fight for what he believes is right. He has provided strong leadership for an improved pro-

gram to protect the American public in the event of disaster.

DON MITCHELL's name is synonymous with expertise in military personnel matters. He has long been an articulate spokesman for the Nation's soldiers, sailors, airmen, and marines and deserves a great deal of credit for the current success we are experiencing in recruiting and retention. As the ranking minority member of the Subcommittee on Military Personnel and Compensation, DON MITCHELL has worked diligently to protect the rights of service personnel and has provided substantial leadership for improved pay and benefits. He is truly the friend of the man and woman in uniform.

I am pleased to join with my many House colleagues in paying tribute to DON MITCHELL today. He will be missed and leaves big shoes to fill. I wish him Godspeed in his new endeavors.●

● Mr. MONTGOMERY. Mr. Speaker, I want to add my name to the list in this Special Order on Representative DONALD MITCHELL of New York.

After serving 10 years in the House from the 31st District, he announced his retirement. I know many of us here on the Hill will miss his abilities. He has been a most capable and distinguished Congressman.

I have come to know DONALD MITCHELL through our service together on the Armed Services Committee. We served on the Military Installations and Facilities Subcommittee and the Military Personnel and Compensation Subcommittee, where he was the ranking minority member. I can say that he has made a valuable contribution to these committees.

His dedication to service to his country and his fellowman began after graduation from Columbia University. He was a naval aviator from 1942 to 1945 and then served as town councilman and New York State assemblyman before being elected to Congress in 1972.

DON's participation in Red Cross activities as well as scouting, Cancer Society, Kiwanis Club, and so forth, point out his great interest in civic affairs and I know he will return to his district and remain a strong leader in the years to come.

I want to wish him the best. He has earned our respect and we will surely miss him here in the House of Representatives.●

● Mr. LENT. Mr. Speaker, I would like to take this opportunity to pay tribute to four Members of the New York congressional delegation who, unfortunately, will not be returning to the 98th Congress. I refer, of course to my good friends GARY LEE, DON MITCHELL, GREG CARMAN, and JOHN LEBOUTILLIER. Their contributions to the U.S. Congress have been such that we most surely will feel their absence.

Representative DON MITCHELL made his mark as a New York State assemblyman from Herkimer County, N.Y., before being elected to the U.S. House of Representatives in 1972. DON has won subsequent elections without difficulty and in 1978, his popularity was such that he had no opponent. DON's outstanding efforts as a member of the House Armed Services Committee have earned him a reputation as an effective and capable legislator. His constituents know him as a hard working and diligent Representative of New York's 31st District. His legislative abilities and wise counsel will surely be missed by his colleagues in the House.

Representative GARY LEE came to the Congress in 1978 vis-a-vis various local government posts and the New York State Assembly. It has been my privilege to work closely with GARY on a number of major legislative projects in the House Energy and Commerce Committee. GARY was extremely influential in blocking the passage of H.R. 5158, the Telecommunications Act of 1982. GARY and I also worked together on the Lent-Lee compromise which gave the Nation an excellent process for an orderly transfer of the Conrail railroad system—as an entity—to private ownership. His legislative leadership on the committee and within the New York delegation will indeed be missed during the upcoming Congress.

My neighbor in New York's Third Congressional District, GREG CARMAN, has decided to retire and pursue other interests in the private sector. When GREG was elected in 1980, he brought to the Congress a wealth of experience in local government matters as a former councilman for the town of Oyster Bay. As chairman of the Long Island Congressional Caucus, I relied heavily upon GREG's expertise and knowledge of Long Island. I know that he has been a truly effective and diligent Representative for his constituency. I have known GREG for many, many years and hope that he continues to use his many talents at whatever endeavors he chooses to pursue.

Last, but certainly not least, my young colleague JOHN LEBOUTILLIER. JOHN joined our ranks in 1980 and worked hard for the economic principles and policies he so effectively espouses. Knowing JOHN as I do, I believe the Congress has not seen the last of this hard-working, bright and articulate young man. His views and comments have captured the imagination of thousands across the country. My very best wishes to you, JOHN.

Mr. Speaker, it saddens me to see these hard working and able men leave the Congress after many years of distinguished service to the State of New York and this Nation. I know that the Congress will miss their expertise when we convene again in January.●

● Mr. GILMAN. Mr. Speaker, I thank FRANK HORTON for providing us the privilege of honoring our colleague and good friend from New York, DON MITCHELL, who will be leaving us after a long and fruitful career. I know DON's constituents will surely miss him, as I and my colleagues will in these halls. Often so popular with the citizens of the 31st District that they would not even allow an opponent to enter the ring against him, so here, too, he has proved himself a tried and true leader and loyalist to his party and his convictions.

My association with DON MITCHELL precedes our congressional work, when we were both serving as assemblymen in the New York State Legislature from 1966 to 1972.

As the regional whip for New England and the Middle Atlantic States, DON MITCHELL has been a forger of policy and coalitions in order to protect our region and to present its needs and positions most effectively in the Congress. DON was no novice to the duties of whip, having served as minority whip in the New York State Legislature. The Armed Services Committee loses this same outstanding leadership, which DON has consistently exhibited throughout his service in the Congress. His expertise in military affairs and the civil defense needs of the country have enabled him to be an effective advocate of legislation and a man of action on his committees. DON's integrity gained him the respect of all in the Congress. He has been a pace setter and an upholder of our standards. Our loss in these halls is a gain for those who will see more of him in New York.

DON, we will miss your voice of reason and your fighting spirit. Our best wishes go with you and your family in all your new endeavors.●

● Mr. McGRATH. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to four fine Republican Members of the New York delegation who will not be returning to Congress, JOHN LEBOUTILLIER, GREG CARMAN, DON MITCHELL, and GARY LEE.

I came to Congress 2 years ago with JOHN LEBOUTILLIER and GREG CARMAN. Besides being freshmen, we all represented a portion of Nassau County and worked together on the Long Island Congressional Caucus. JOHN, of course, is known by most of us as being an outspoken Member, and in numerous cases he was outspoken on many causes that are special to us—the security of Israel, a strong national defense, and opposition to the expansionist and adventurist policies of the Soviet Union.

GREG CARMAN, by contrast, has quietly been a diligent Member of this body who has effectively represented the people of the Third District of New York. I know GREG's decision not to

seek reelection was a difficult one, but I know I speak for my colleagues when I say we appreciate all he has accomplished in the short time he has been here.

Very few of us have failed to recognize that GARY LEE has been among the most conscientious and best prepared Members of this body, and I would cite particularly his work on the Energy and Commerce Committee. Many of us relied on his sound judgment on some very difficult issues, and we will miss his contributions.

For the past 10 years, DON MITCHELL has effectively served his constituents in the 31st District. He has made a solid contribution to this Nation's defense posture through his service on the Armed Services Committee, and in that capacity he has also served the best interests of the people of his district.

As these four individuals leave the House to enter other fields of endeavor, I want to wish them well. They have served their districts, New York State and the Nation with distinction.●

● Mr. WOLF. Mr. Speaker, I join my colleagues today in special recognition of four Members of the New York delegation who will not be returning for the 98th Congress.

I would like to take this opportunity to express my sincere appreciation to Representatives GARY LEE, DON MITCHELL, GREG CARMAN, and JOHN LEBOUTILLIER for their dedicated service and contributions to this institution. They have served with honor and distinction and the people of New York and this Nation are losing able leaders.

I pay special tribute to two fellow freshmen classmates, GREG CARMAN and JOHN LEBOUTILLIER. It has been a privilege to be in their company in the 97th Congress and I will miss their friendship.

I salute GARY, DON, GREG, and JOHN as outstanding, hardworking and effective public servants and wish them continued success in the years ahead.●

● Mr. LEE. Mr. Speaker, colleagues, I take great pleasure today in joining with you in offering my highest personal regards for my fellow New Yorker and friend, Congressman DON MITCHELL.

Within a matter of days, DON will be retiring from public life and returning to his private business in upstate New York after a decade of outstanding and honorable service. It is vital to remember at this stage that Congress loss is New York's gain.

During his tenure in this House, DON has earned himself a place of respect among his colleagues and his constituents. He has been an ardent and unshakable proponent of the environmental protection laws which will preserve the Adirondack region for the enjoyment and livelihood of genera-

tions to come. He has fiercely fought to protect the jobs and stability of his constituents through a decade which saw both private and Government businesses lean toward relocation from the Northeast to the Sun Belt. He has done an outstanding job on the Armed Services Committee.

Here in the Congress, DON will be remembered for his legislative initiatives and for his level-headed approach to this very difficult job we have shared: solving the problems of this country.

Surely, in his decade of service here, no Member of Congress has offered such a stable, commonsense, and respected source of help for his colleagues as DON MITCHELL. He has worked selflessly to help junior Members like myself to understand and make good use of the congressional system. And he has provided a bedrock and reasoned sounding board for senior Members.

Today, I offer DON my most sincere regards and best wishes for the return to private life which he has so richly earned. It has been a high honor to serve with him.●

● Mr. WINN. Mr. Speaker, the House is losing four dedicated Members of Congress when DON MITCHELL, GARY LEE, JOHN LEBOUTILLIER, and GREG CARMAN leave this decisionmaking body. All four have shown loyalty to their country and their party and I wish them well in their new pursuits.

DON MITCHELL worked tirelessly on the Armed Services Committee and was very effective on the floor of the House as well. GARY LEE provided good direction on the Energy and Commerce and House Administration Committees and, I believe, showed a great deal of dignity during his recent election. JOHN LEBOUTILLIER served with me on the Foreign Affairs Committee and was always very acquainted with important foreign policy issues when they came before the committee. GREG CARMAN served admirably on Banking, Finance and Urban Affairs and the Select Committee on Aging.

I will miss all of them. The House is a better place because of their efforts.●

● Mr. GILMAN. Mr. Speaker, I rise to pay tribute to one of our colleagues who will not be with us in the next Congress. I am referring to our distinguished colleague from New York, GARY A. LEE, and I thank the dean of our New York Republican delegation, FRANK HORTON, for providing us this opportunity to say a few words about this dedicated legislator.

Coming to the Congress in 1978, GARY LEE has admirably served the people of the 33d District for the past 4 years. Before coming to Congress, GARY served in the ranks of local and State government and as the director of Cornell University's office of scholarships.

GARY's involvement in his committee work has made him a crucial part of the important Energy and Commerce Committee. Along with serving on this committee he has also served on the House Administration Committee. He has fought many battles on the floor of the House and has come out victorious because of his determination, his knowledge, and his keen intellect.

I am honored to have had the opportunity to work with GARY on New York State issues as part of the New York State delegation. We will miss GARY's presence in this body. I would like to wish GARY, as I am sure we all would, joy and good health in the days ahead and in all his new endeavors.●

● Mr. COURTER. Mr. Speaker, I rise to pay tribute to JOHN LEBOUTILLIER, whose absence from the upcoming Congress will be noticed by Members on both sides of the aisle.

In his 2 years as a Representative, JOHN has demonstrated a great concern for the needs of New York's Sixth District. He has worked exceptionally hard to represent the values of his diverse constituency, and, I believe, has accurately reflected those views in this Chamber.

Perhaps more significant than JOHN's contribution to his district is the contribution he has made to the Republican Party and to all individuals who share his concern for the future of this Nation. JOHN has always been outspoken in his opposition to those policies which he feels are inimical to the welfare of the United States. While some may disagree with his platform, few would fault the sincerity on which his beliefs are founded. I for one have nothing but admiration for JOHN's commitment to making his beliefs felt in the Government and throughout the Nation.

JOHN's presence in Congress has added a great deal to the debate and legislative activity of the last 2 years. His statements have challenged the intellect of many of his colleagues, including myself. I value his individuality, enthusiasm, and compassion, and I will miss his companionship.●

□ 2300

TRIBUTE TO THE HONORABLE HAROLD HOLLENBECK AND THE HONORABLE MILLICENT FENWICK

The SPEAKER pro tempore (Mr. RATCHFORD). Under a previous order of the House, the gentleman from New Jersey (Mr. COURTER) is recognized for 60 minutes.

GENERAL LEAVE

Mr. COURTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

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

There was no objection.

Mr. COURTER. Mr. Speaker, I took 60 minutes out for the purpose of commenting on two individuals from the State of New Jersey. Needless to say, it is very, very late in the evening, 11 o'clock, and many Members during the last 3 or 4 days, knowing that I would be bringing this special order forward, indicated to me that they would want to be here, but if it was a late evening they could not because of other commitments and general exhaustion. So, I know there are many Members who have written comments which will be placed in the RECORD.

Mr. Speaker, I rise to pay tribute to a significant force in this governing body, HAROLD "CAPPY" HOLLENBECK. I know I share the feelings of the New Jersey delegation, and this body as a whole, when I say that CAPPY's absence will be severely felt in the 98th Congress.

CAPPY, who was educated at Fairleigh Dickinson University and the University of Virginia Law School, worked his way up through New Jersey politics before winning the Ninth Congressional seat in 1976. His list of offices include a seat on the East Rutherford Borough council, 4 years in the New Jersey State Assembly, and 2 years as a New Jersey State senator.

During my years of association with CAPPY HOLLENBECK, I have always found him to be cooperative and innovative in addressing the problems facing our home State. During his three terms in Congress, CAPPY has been a Representative in the fullest sense of the word, working to accurately gauge the feelings of his constituency and reflecting those views in the Chamber.

As one concerned about encouraging our Nation's scientific and technological base, CAPPY is well known for his attempts to persuade his colleagues to embrace some of America's most important research projects. During the 96th Congress, he won passage of an amendment restoring adequate funding for an automatic manufacturing research facility, which, he argued convincingly, would help the Nation compete with the Japanese. He also proposed in 1980 that lists of Federal scientific grants carry descriptions of the ultimate goals of their research, so that Members could be made aware of the potential value of these various projects.

CAPPY has maintained an objective, independent pattern of evaluation throughout the 6 years he has been in Washington, always placing the needs of his district and the Nation at large ahead of partisan considerations. He has demonstrated, through his every action as a Congressman, that he is

fully aware of his responsibilities as an elected official. CAPPY is a true public servant, and I for one will deeply miss his companionship in the New Jersey delegation.

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

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

Mr. DOWNEY. Mr. Speaker, I want to rise in support of my friend, CAP HOLLENBECK. I will miss him. It is sometimes hard to get over the partisan walls that we erect, but CAP has been a reasonable and a good Member of Congress, and I think that the State of New Jersey will miss him.

I will particularly miss playing baseball against CAP HOLLENBECK. CAP had a rare ability at shortstop to see a ball that was batted to him and quickly get out of the way. This reminds me a lot of someone who would play dodgeball. Actually, CAP's job was to catch the ball, which he did also very well.

I will miss him primarily as a legislator, but also a baseball player.

Mr. COURTER. I thank the gentleman.

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

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

Mr. RUSSO. Mr. Speaker, I want to think the gentleman for taking this special order, and I certainly want to be here this evening to pay tribute to a hard-working, dedicated gentleman from New Jersey.

I, like my dear colleague from New York, have had many experiences on the baseball diamond. In fact, I believe one of my first hits on the baseball field was because CAP could not move his legs fast enough to get to the ball. In fact, the second time up I decided that the best thing to do was to try it all over again. The trouble was, I hit it a little bit harder. CAP got the ball, but could not throw it.

CAP, I am going to miss you. My batting average would have been much better if you had stayed and had you played shortstop again this year. In fact, we heard rumors when we first came to Congress that you would be the pitcher, and God only knows how well we would have done had he pitched the ball, because, if he could not throw it 60 feet he would have a heck of a time throwing it 90 feet.

CAP, we are going to miss you. We hope to have an old-timers' game where we bring the bases in closer and the pitching in closer and give you extra swings at the plate so that you can do something about your anemic batting average of 0 for 10. We are going to miss you.

Mr. COURTER. I thank the gentleman for his contribution. Those are valuable contributions. I did not know too much about that area of expertise which the gentleman from New Jersey has.

Mr. Speaker, I appreciate the opportunity for this Special Order so that I may rise to honor a fine and noble public servant, the gentlelady from New Jersey, MILLICENT FENWICK.

Congresswoman FENWICK's distinguished career in government began as a member of the Bernardsville Borough Council for 7 years, as the director of consumer affairs for New Jersey, and later, as a representative on the New Jersey State Assembly.

During her 8 years in Congress, she has earned an impeccable reputation for integrity. And, as a legislator, she may best be remembered as a champion of human rights—be it a cause for the elderly, women, or the less fortunate. Her voice has become synonymous with the people's, and her concerns represent the concerns of humanity. Indeed, she raised the consciousness of each of us here in this Chamber with her scorn of special interest contributions.

MILLICENT FENWICK has always reminded us that we first are responsible to those we represent, and their interests should always be our first priority.

Forever to be remembered as the inspiration for the elegant and composed Doonesbury character, Lacy Davenport, her contrasting outspoken and independent manner have endeared her to many.

Her constituents, the citizens of New Jersey, and this Nation regret the loss of this dedicated and honorable stateswoman. Speaking for myself, I have every respect and fondness for MILLICENT FENWICK, and I hope for the benefit of our home State of New Jersey that she will remain active in the civic and social causes she has always championed.

We, her colleagues in the House of Representatives, and in particular, the members of the New Jersey delegation, consider it a privilege and an honor to know and serve with MILLICENT FENWICK.

Finally, I would like to thank her for her many years of outstanding leadership and unselfish devotion to her country, and I ask God's blessings for her and her family in the many years to come.

● Mr. MINISH. Mr. Speaker, I am sorry to be marking the close of the term of my friend "CAPPY" HOLLENBECK of New Jersey. I have truly enjoyed the companionship of this amiable man, and I have been very much impressed with his tireless service of his constituents. CAPPY is not a partisan soul, and it has been a pleasure to cooperate closely with him on very many occasions. He has always been diligently on the job for the people who sent him to Washington.

CAPPY HOLLENBECK is a person who looks forward, not back, so it is most appropriate here to consider the

future. I would like to think that his public service career is only just beginning, and that our State and the Nation will be able to draw on his talents in the days to come. Typically, CAPPY has lately been warning us about the importance of sustaining a civilian space program adequate to the needs of the future, and I understand that he intends to keep us aware of this issue, which is too often liable to be neglected in the face of immediate demands. Perhaps this care for the future of the country is the single most impressive characteristic of the public service of my friend and colleague from New Jersey.

Mr. Speaker, it has been an honor to serve with CAPPY HOLLENBECK, and I heartily join all our colleagues in wishing him well in the days to come.●

● Mr. CARMAN. Mr. Speaker, it is a pleasure today to rise and pay tribute to MILLICENT FENWICK who has been a Member of Congress since 1975. MILLICENT has served with distinction and dedication in the Congress and on the Foreign Affairs and Education and Labor Committees. Her unique enthusiasm, her dignity, and her charm have made it a special pleasure to serve with her in the Congress. I wish her all the best in her future endeavors.●

● Mr. FORSYTHE. Mr. Speaker, it is with regret that I have to rise today to honor my friend and long-time colleague, the Honorable HAROLD C. HOLLENBECK, who was defeated on November 2, 1982. CAPPY and I served together in Trenton at the State legislature and I was glad to welcome him to this Chamber when he was elected to serve New Jersey's Ninth Congressional District for the 95th Congress.

In the House, we served together on the Science and Technology Committee and he also provided valuable assistance to the people of the State of New Jersey through his work on the House Public Works and Transportation Committee and on the House Select Committee on Aging. He has never failed to tend to the needs of his district or the needs of the Nation.

To a large extent CAPPY's defeat was the result of his newly created Ninth District. He had a district that was comprised of 60 percent new territory and that was heavily Democratic. He campaigned hard and the victory was not easy for his Democrat opponent. However, that is a tribute to CAPPY and the hard work he has done in Congress for his constituents and the State of New Jersey.

He is a dedicated public servant and I am sorry to see him go. This House and our State will miss his good services, but I know that however CAPPY chooses to spend his energies in the future will be successful and profitable. I wish him the very best in the years to come.●

● Mr. SENSENBRENNER. Mr. Speaker, I would like to take this opportunity to recognize the 6 years of meritorious service given to the Ninth District of New Jersey and the Nation by Congressman HAROLD "CAP" HOLLENBECK.

I had the pleasure to serve with Congressman HOLLENBECK on the Committee on Science and Technology during the past 2 years. His contributions to this committee have included work on long range energy and mineral policies as well as oversight on several NASA projects, including the space shuttle.

Congressman HOLLENBECK is also active on the House Committee on Public Works and Transportation and the House Select Committee on Aging. Within the Public Works and Transportation Committee, "CAP" HOLLENBECK enhanced his ability to make Federal spending decisions for major projects such as water resources, airport development, and the Federal highway program.

Congressman HOLLENBECK has had a distinguished career in public life. After a distinguished tenure in the New Jersey State Legislature and State senate, "CAP" HOLLENBECK ran for Congress in 1976, winning in a district where Republicans had failed to win in over a decade. Congressman HOLLENBECK maintained his seat in Congress with decisive victories in 1978 and 1980 as well.

Mr. HOLLENBECK has been granted many honors by New Jersey organizations. He received the New Jersey Veterans of Foreign Wars "Outstanding Legislator of the Year" award, and the New Jersey Young Republicans' "Man of the Year" award.

I join my colleagues in the House to honor Congressman HOLLENBECK and wish him the best of luck in his future endeavors.●

● Mr. DERWINSKI. Mr. Speaker, I am especially pleased to have the opportunity to join in honoring one of our colleagues, the gentlewoman from New Jersey, MILLICENT FENWICK. I have had the pleasure of serving with MILLICENT for the past 8 years, and I am confident that her absence from this body will surely be felt in the years ahead.

As fellow members of the House Foreign Affairs Committee, I can attest to the many contributions which MILLICENT has made in the areas of human rights for Soviet Jews and for other political prisoners held captive by Communist totalitarianism.

MILLICENT has distinguished herself as an effective spokesperson for prison reform and civil rights. Her legislative skill on the Education and Labor Committee has been instrumental in the improvement of employment standards and the development of educational opportunities for many. Her dynamic style in representing her constituents in New Jersey's Fifth District

has earned her national attention. She has served with a vigor which is stimulating to those of us who have had the opportunity to serve with her.

MILLICENT has lent her name to causes which she believes best represent good government and will improve the quality of life for the average American. No finer description can be attributed to MILLICENT, than to say that she was always tirelessly dedicated, refreshingly honest, and clearly outspoken on issues of deep concern to her.

I extend my best wishes to MILLICENT, and commend her on executing her duties with great distinction. Her devotion as a public servant will long be remembered in the Congress and by the people of New Jersey and the country.●

● Mrs. ROUKEMA. Mr. Speaker, when the new Congress convenes in January, one of the most effective voices on behalf of the people of New Jersey will not be present. Although Congressman HAROLD "CAP" HOLLENBECK is leaving Congress, I know that he will be warmly remembered because of his advocacy of issues and causes that would directly benefit the people he represented.

CAP HOLLENBECK came to Congress with a solid background in local government, having served on the East Rutherford Borough Council and in the New Jersey Assembly and the New Jersey Senate. Following his election to Congress in 1976, he quickly established a reputation as a man who worked doubly hard for his constituents and as a national leader on defense, veterans affairs, and science and technology issues.

Since we both represent portions of Bergen County, I was able to work closely with CAPPY on a number of issues of mutual interest to our constituents. He was instrumental in obtaining grants to help keep energy bills down in his district; he worked tirelessly to obtain additional funds for senior citizen housing in Bergen County. He was always accessible, meeting with local organizations and individuals whenever they had a problem or wanted to voice their views on legislation.

I will never forget the courtesy he extended to me as a new Member of Congress; CAP was most helpful during the transition period in 1980 and remained helpful whenever asked throughout my first term. Our district offices worked together frequently on a variety of Bergen County issues and, as most people would recognize, he was more interested in getting something accomplished than in taking credit for it.

CAP HOLLENBECK is recognized as a leader on science and technology issues, particularly as an advocate of a strong civilian space program. He has

indicated his continuing interest in this particular issue, and I know our country will be the better for it.

He also established himself as one of the outstanding spokesmen on behalf of the people of the Northeastern States. He recognized the economic and structural problems that particularly affect our region of the country, and he was among the first to seek a more balanced national budgetary policy that would treat the people of the Northeast more fairly. He spoke out often on behalf of mass transit, not only because it is so critical to the people of northern New Jersey, but also because it is a problem common throughout the older urban areas of the northeast.

CAP HOLLENBECK is as involved with his constituents as any Member of Congress serving today, yet he has found time to make a mark as an effective spokesman for his region. He has always been gracious and helpful to me, and I will miss him when the new Congress convenes next year.

But those of us who served with CAPPY also know that he will continue to be heard on national policy issues, and in that endeavor we wish him the best of luck and success.●

● Mr. GILMAN. Mr. Speaker, I rise today to pay tribute to one of our colleagues and a good friend who will not be with us for the next Congress. I am, of course, referring to Congressman HAROLD "CAP" HOLLENBECK of New Jersey, and I thank my distinguished colleagues, Messrs. FORSYTHE and COURTER, for giving us all the opportunity to say a few words about "CAP."

Congressman HOLLENBECK came to the Congress in 1974, and has admirably served the people of our neighboring Ninth District of New Jersey for these many years. His involvement with his committee assignments is well known, as transportation and public works matters are vital to our region of the Northeast. Furthermore, his interest in science and technological matters is basic as well, since this day and age forces us to consider the computerization of our offices, and certainly CAP has ably assisted his constituents in understanding Federal actions regarding these matters. His third committee assignment, that of the Select Committee on Aging, reflects his concern for the senior citizens of our country, and their unique and special needs, most especially at this time of the year, when heating bills begin to skyrocket and the necessary fruits and vegetables become ever more dear for those on a fixed income. I know that they join with me in thanking CAP for his dedicated years of service on the Hill, and wish that he was not leaving.

I had the pleasure of working with CAP HOLLENBECK on a matter that is of great importance to us both—that of our POW's and MIA's. CAP's tireless

efforts on their behalf is legendary, and his involvement with a day of recognition for them has been salutary. Certainly, the outcome of that legislation would not have been as successful had CAP not been involved, and I suspect that he will continue contributing to the welfare of our senior citizens and those still unaccounted for in Vietnam when he returns to the private sector. I, for one, look forward to his having the benefit of expertise in matters of importance to the New York metropolitan area, and so I wish him well, and look forward to seeing more of CAP HOLLENBECK in the months ahead.●

● Mr. ERLBORN. Mr. Speaker, the gentle lady from New Jersey (Mrs. FENWICK) will soon be leaving this Chamber, but it will be a long time before she is forgotten. Gentle though she is, she has also been a formidable friend or foe, depending on whether you agree with her, because her stand on any given issue always stems from a heartfelt conviction. More often than not in my case, she has been a friend, a friend I have been proud to have on my side both on the Education and Labor Committee, where we have served together, and on the House floor.

Her perseverance has made her an effective legislator and a true representative of her constituent. Thus, I join in bidding a fond farewell to MILLICENT FENWICK, a fabulous lady whose fortitude and flair for forthrightness, fairness, and freshness will echo in this House and in our hearts for years to come.●

● Mrs. HOLT. Mr. Speaker, with the close of the 97th Congress we will be losing one of our most erudite legislators, MILLICENT FENWICK. Throughout her illustrious career MILLICENT has championed the causes of social justice, consumer affairs, civil rights, quality education, and a drug free society. She has represented her New Jersey district and our Nation in the finest tradition. I am proud to have served in the Congress with her and I want to wish her the very best in all that she may do in the future. We will miss her.●

● Mr. CONTE. Mr. Speaker, with great pleasure, but a sense of deep loss, I join with my colleagues in paying tribute to two of the Garden State's finest representatives, MILLICENT FENWICK and CAP HOLLENBECK.

With the loss of MILLICENT FENWICK, there will be a void in this Chamber that will never be filled. Never before has there been in one Congressman or woman such a combination of intelligence, integrity, insight, poise, and charm. Through her legislative work, her enthusiasm, and her countenance, she has made believers of the doubters of this Congress; she has been a spokeswoman for good

government by being a model legislator.

HAROLD "CAP" HOLLENBECK has been another good friend of mine in the Congress whose departure represents another great loss for this body and for the Republican Party. CAP and I got to know each other on the GOP baseball diamond, where he always responded enthusiastically to the question, "Who's on second?" Fortunately for his New Jersey constituents, however, CAP has been a much better legislator than second baseman. A hard-working member of the Science and Technology Committee, CAP is one of the most knowledgeable people on the space program in the Congress. Above all, CAP is a man of his word who votes his conscience, and he has been a credit to his district and his party.

With the departure of these two great legislators from this body, the moderate wing of the Republican Party will be a little fewer in ranks, but a lot stronger in our resolve to bring more people like MILLICENT and CAP into the party, and into the Congress. I salute them both on their accomplishments, and wish them many years of happiness and prosperity in whatever paths they choose to follow.●

● Mr. DWYER. Mr. Speaker, I join today in a well-deserved tribute to two of my colleagues from New Jersey, MILLICENT FENWICK and HAROLD HOLLENBECK.

Mrs. FENWICK has been a most dedicated voice for the people of New Jersey throughout her distinguished career, exhibiting time and time again her commitment to equity and justice for all people.

That commitment has transcended our own borders; Mrs. FENWICK has been one of this body's most ardent advocates for human rights worldwide, and her vision and experience as a member of the Committee on Foreign Affairs will be missed, to be sure.

In fact at every level she has served, beginning with the Bernardsville Council and culminating in 8 years representing New Jersey's Fifth Congressional District, MILLICENT FENWICK has been a credit to her office.

Mr. Speaker, I also rise today to pay tribute to my distinguished colleague from the Ninth District of New Jersey, the Honorable HAROLD C. "CAPPY" HOLLENBECK.

CAPPY HOLLENBECK came to the Congress in 1976 and has represented his constituents with compassion and with hard work for the last 6 years. There has never been any question where CAPPY stands on an issue: he stands squarely on the side of the people of his district, looking out for their best interests to the best of his ability.

In the 6 years in Washington, CAPPY HOLLENBECK has done some outstanding work on both the Public Works

Committee and the Science and Technology Committee. He has been a crucial and active member of the Select Committee on Aging. And his contributions will surely be missed by the Northeast-Midwest Congressional Coalition.

In everything CAPPY HOLLENBECK has done in public life he has always been a success, made a positive contribution. Today, as we pay tribute to him as he leaves public office, I feel confident that he will continue to contribute, through whatever means he considers appropriate.

After 6 years, I congratulate my colleague on a job well done and wish him all the best as he begins yet another phase in his distinguished career.

● Mr. SMITH of New Jersey. Mr. Speaker, I rise this evening to pay tribute to two outstanding Members of this body—MILLICENT FENWICK and HAROLD "CAPPY" HOLLENBECK.

Both legislators will not be among our ranks when the 98th Congress convenes next January. Indeed, the State of New Jersey and the people of the Fifth and Ninth Districts, respectively, have lost two very able, competent, and highly respected Members of the House of Representatives.

Mr. Speaker, MILLICENT FENWICK is loved and admired by many. She is outspoken, witty, and above all candid. She has been a champion of procedural reform in this House and a leader in the fight to safeguard the rights and privileges of the minority party. This is particularly relevant when one considers the unwholesome and unjust rule changes that the majority party hopes this body will adopt next January. MILLICENT, we will miss you in that debate.

Mr. Speaker, MILLICENT has had a long and distinguished private and public career. She was a career woman long before the term was coined, long before it became fashionable and the status quo. She was an editor for *Vogue* magazine, served from 1958 to 1964 on the Bernardsville Borough Council, served in the general assembly from 1969 to 1972, and as director of consumer affairs from 1972 to 1974. MILLICENT has served in Congress since then and as a testimony to her enviable hometown popularity she received a whopping 78 percent of the vote in 1980 from the voters of the Fifth District.

Mr. Speaker, we also justly honor this evening a man that I have come to know, and respect, my good friend, HAROLD "CAPPY" HOLLENBECK.

CAPPY's three successful terms in the House follow years of civic involvement and participation. A practicing attorney, CAPPY was Carlstadt's prosecutor from 1966 to 1967 and served on East Rutherford's Council from 1967 to 1969. He moved up to the State legislature in 1968 and served in

the general assembly until 1971, and in the State senate until 1973.

Mr. Speaker, CAPPY HOLLENBECK has worked hard to stay in close touch with his constituents. Through his mail and personal contact, he has reached out to provide superb constituency services for his district. CAPPY is known here in Congress for his moderation, perspective, and keen sensitivity to budget priorities that place the poor, destitute, and disadvantaged at the top of the list.

CAPPY is a skilled legislator, a man who has much to offer. He, like MILLICENT, will be missed in these Halls.

● Mr. HUGHES. Mr. Speaker, I am happy to have this opportunity to pay tribute to MILLICENT FENWICK for her outstanding service in the House of Representatives.

Since her election in 1974, MILLICENT has been one of this body's most hard working and dedicated Members. One has only to see her familiar figure hustling through the Halls of the House buildings, or to observe her tenacity in a committee hearing room, or to hear her eloquence on the House floor to appreciate what a fine legislator we will lose at the end of this Congress.

Having had the privilege of working with MILLICENT on the Aging Committee, I have had the opportunity to observe firsthand the active and enthusiastic participation which has characterized all her committee work. For 8 years, she has been one of the House's strongest and most effective voices for the rights of senior citizens and women, and, above all, for good government. Her genuine concern for the people of New Jersey, and, indeed, for people everywhere, is evident in all she does, from her work to create the Helsinki Commission to her fight against reductions that hurt the poor, needy & handicapped.

I only hope that, when the time comes for me to conclude my service in Congress, I can say that I have conducted myself with as much dignity, class and grace, as MILLICENT FENWICK has in the time she has served here. The New Jersey delegation, and the entire House of Representatives, will certainly be poorer for her absence.

● Mr. ROUKEMA. Mr. Speaker, today we pay tribute to one of our most distinguished and beloved retiring Members, MILLICENT FENWICK—a legendary figure who will be irreplaceable in the hearts of her fellow New Jerseyites.

As we honor MILLICENT today, I cannot help but think back to the first time we met in 1970. Assemblywoman FENWICK was addressing the New Jersey School Boards Association and then—as now—she totally captivated the audience. Many of us who met her that day were very pleased when she was elected to Congress in 1974. We knew she would bring the same concern, commitment and compassion to her job that she had already brought

to the State assembly and the State government as our first director of consumer affairs.

She had an established and distinguished record at the local level in Bernardsville, N.J., as a member of the school board and the borough council. She was elected to two terms in the State assembly when she became the first consumer affairs commissioner in the State of New Jersey—indeed, one of the first in the country. She helped draft and implement landmark consumer legislation that has since directly benefited millions of citizens throughout our State.

When MILLICENT FENWICK came to Congress in 1975, those of us who knew her were not disappointed. She was not one to sit quietly and let others guide her decisions; instead, she quickly established herself as an outstanding Congresswoman with a national reputation.

Her record over four terms speaks for itself. She authored the bill creating the Helsinki Commission; she established a leadership position in our successful fight last year to eliminate additional funding for new nerve gas production. One of her most outstanding achievements has been a reduction in the marriage tax; this was literally a labor of love for MILLICENT since she came to Congress. She has distinguished herself as a member of the Foreign Affairs Committee, and she recently helped author changes within the Export Trade Act. Since we both serve on the Education and Labor Committee, I have also had the opportunity to see firsthand her commitment to protecting Guaranteed Student Loans for those students who need assistance. And I have been proud to cosponsor her landmark legislation that would encourage home health care for senior citizens, thus replacing expensive, impersonal nursing home care. Her record is a varied and compassionate one, consistent in its fiscal responsibility and sense of humaneness.

On a personal level, MILLICENT FENWICK has become a role model for millions of women across the country. Long before there was a women's movement, there was MILLICENT FENWICK leading by example and leading by doing. She first established herself in the business world through her accomplishments and then went on to government to create a similarly outstanding record.

She is friend, trusted and respected in New Jersey, in Washington, and throughout the United States. One cannot really do justice in explaining the kind of warm, friendly, and committed woman that is MILLICENT FENWICK. I can only state for myself that it has been a rare honor to serve with her and work with her on a day-to-day basis.

Many have asked about Mrs. FENWICK's future plans. All of us are sincerely interested that we continue to benefit from her enormous reservoir of talents. It is my earnest hope that the administration will act in its own enlightened self-interest and appoint MILLICENT FENWICK to one of the numerous positions where she can continue to ably serve her country and mankind. And so, MILLICENT, I say good luck, godspeed, and thank you for all you have done.●

● Mr. ROE. Mr. Speaker, the House of Representatives is the greatest deliberative body in the world. Its 435 Members serve as a direct link between the people and the Federal Government. That is indeed a heavy responsibility. Working together on a daily basis, the members of this body are indeed a unified family dedicated to the needs of others.

It is a sad occasion when members of any family depart. And that is indeed the case with two members of my immediate family, HAROLD "CAP" HOLLENBECK and MILLICENT FENWICK, both key Members of the New Jersey congressional delegation.

CAP and I have been close friends since he first came to Congress in 1976. I have found him to be a hard-working young man strongly dedicated to the needs of his congressional district, his State, and his Nation. The truth of the matter is there are just not enough hours in the day to suit CAP HOLLENBECK when it comes to serving the people he represents.

As a key Republican member of the House Science and Technology Committee, CAP HOLLENBECK has become a national leader in the bipartisan fight to save funds for scientific research and the space program from the Reagan administration's budget cutting block. CAP has always put peoples needs ahead of party politics. For example, he was only one of five Republicans to oppose a 1980 Republican amendment that would require persons with incomes above the poverty level to reimburse the Government for food stamps they received during times of economic hardship.

I for one will miss his warmth, his spirit and his drive as this body tackles the plethora of problems facing this great Nation over the next 2 years.

MILLICENT FENWICK has become a symbol over the past 8 years as what is good and right about Government. As perhaps the most recognizable figure in Washington outside of the President, her words and actions have received enormous coverage by the national press. And this gracious lady has thankfully utilized that notoriety to seek better lives for the less fortunate of the world.

As a member of the House Foreign Affairs Committee she was one of the original authors of legislation that resulted in the creation of the historic

Helsinki Commission pressure on the Soviet Union to guarantee human rights for the millions living under their tyranny.

MILLICENT FENWICK brought a uniqueness to this body that will be irreplaceable. Whenever she rose to speak on this floor, her words drove right to the heart of the matter. And whether or not we agreed with what she said, we all appreciated the honest manner in which she approached her work.

A love of New Jersey is deeply imbedded in MILLICENT FENWICK. I am confident that New Jersey will play a key role in whatever she decides to do in the future.●

● Mr. BEREUTER. Mr. Speaker, I want to take this time to add my thoughts to those of a great many other colleagues who have served over the past 8 years with the distinguished gentlewoman from New Jersey, MILLICENT FENWICK.

During her most notable tenure in the House of Representatives, MILLICENT has very ably served her constituents in New Jersey's Fifth District. But her constituency has not ended there. MILLICENT has spoken eloquently on behalf of the poor, of minorities, of women, and on behalf of a great many other Americans. She has not hesitated to take on difficult issues with her characteristic zeal. On many occasions MILLICENT FENWICK has served as a conscience for this body, and she has earned the respect and admiration on both sides of the aisle.

When MILLICENT FENWICK leaves the Congress at the close of this 97th Congress she will have completed 24 years of public service. We shall miss her, but we know that her years of outstanding service to her State and to the Nation will continue in other ways.

There are those who maintain that service in Congress is the capstone for those who choose lives of public service. While it is true that this chamber will be poorer without MILLICENT FENWICK, the world beyond these rarified halls will be richer. MILLICENT has graciously pledged her continuing activism and commitments to goals of equality and compassion. There should, therefore, indeed be celebration instead of sadness because of the wide public arena that awaits her.●

● Mr. GUARINI. Mr. Speaker, I am most pleased to join our colleagues in honoring Congresswoman MILLICENT FENWICK, who will be leaving Congress at the end of this term. It seems that everyone in the Nation knows of this refreshingly witty and delightful woman, who has graced the Halls of Congress these past 8 years. I am most proud to represent the community where she spent some of the early years of her life—Hoboken, N.J.—where she still serves as a trustee at the Stevens Institute of Technology,

one of America's most prestigious engineering schools.

Mrs. FENWICK's record of compassion and genuine concern for her constituents, couched in her inimitably frank style, has won for her many admirers among the people of her district, her State, and all those who care about people. She is urbane and sophisticated, yet she has a remarkable empathy for the problems of the typical man in the street. I am honored to have been able to work with her at two levels, both in the statehouse in New Jersey and here in the U.S. Congress. I must confess I have always been an unabashed admirer. She is a Representative of strong convictions, yet she is flexible enough to listen to both sides of an argument. We are losing one of our most colorful Members, yes, but we are also losing one of our most capable and conscientious Members as well.

New Jersey, and indeed, the entire Nation, is proud of Mrs. FENWICK. As a consumer advocate and as a strong proponent of fair civil rights law, she leaves a legacy of which any Congressman would be proud.

I only hope that Mrs. FENWICK will not restrict her remarkable statesman qualities to her Bernardsville home. Her tremendous abilities and flawless reputation for honesty and compassion would suit her ideally as a representative of this country in some challenging capacity. I look forward to hearing more from MILLICENT FENWICK, the living legend who leaves her mark as a valuable national treasure.●

● Mr. FORSYTHE. Mr. Speaker, as dean of the New Jersey Republican delegation, I appreciate this opportunity to pay tribute to a very great lady and dear colleague, MILLICENT FENWICK.

So much has been written in the national press about her character, her dedication, her integrity, her candor and her wit—and I am glad I have never been on the receiving end of one of her retorts. It is one thing to read about such a character, but it is quite another to have been able to work with her at both the State and national levels and to call her a friend. I have known MILLICENT for more than 20 years. She spoke at my first campaign fundraiser many years ago. Her service to her hometown of Bernardsville, to Somerset County, and to the State of New Jersey in the State assembly, as director of consumer affairs and as vice chairman of the New Jersey Committee for the U.S. Commission on Civil Rights has been inspirational. Her service to her constituents of the Fifth Congressional District is legendary.

Throughout her 8 years in Congress, she has spoken out for the little people, for fairness, decency, and compassion. Above all, she has sought to

prevent Government from trampling on the rights of the individual. She has carried this theme to the House Foreign Affairs Committee where she has worked hard to promote the cause of justice internationally.

It is exceedingly unfortunate in my view that MILLICENT was denied the Senate seat she sought this year. New Jersey and the Nation have lost a grand and eloquent voice in the Congress and I will miss her when we convene again next January.●

● Mr. RHODES. Mr. Speaker, I am very pleased to join in this special tribute to Congresswoman MILLICENT FENWICK. MILLICENT has been an important Member of the House and I had hoped that she would be successful in her bid to bring her unique qualifications to the Senate. It is, indeed, unfortunate that this will not be. She has that rare quality I call style, which added much to the House, and would have been even more noticeable in the Senate.

Her limitless interest in the pressing issues before the Congress and her tireless efforts on behalf of her constituents are well known to all who have had the privilege of working with her.

MILLICENT contributed frequently to the proceedings on the House floor and in committee meetings with sincere eloquence. Her powers of gentle persuasion were most effective. She championed her causes in a direct and heartfelt manner. MILLICENT FENWICK can take justifiable pride in the fine record she established during her tenure in the House.

Betty joins me in wishing Congresswoman FENWICK well in her future endeavors.●

● Mr. SENSENBRENNER. Mr. Speaker, I would like to take this opportunity to commend Representative MILLICENT FENWICK for her 8 years of meritorious service to the Fifth District of New Jersey and the Nation.

When Mrs. FENWICK entered Congress in 1974, she brought the House of Representatives a distinct kind of class and elegance. But she also proved to be an effective legislator. Often called the conscience of Congress, Mrs. FENWICK has demonstrated her integrity and honesty by steering clear of the world of political skulduggery.

Although her knowledge of procedural processes is limited, Mrs. FENWICK is involved in a wide range of legislative endeavors in which her comprehension of the issues is formidable. Serving on the House Foreign Affairs Committee, she worked to create the Helsinki Committee to maintain pressure for human rights.

Representative FENWICK also serves on the House Committees on Education and Labor and The House Select Committee on the Aging. Her work on the House Select Committee on the Aging is especially renowned, and her

devotion to the rights of senior citizens is very admirable. For example, Congresswoman FENWICK is promoting a piece of legislation which would allow senior citizens to receive Federal health care benefits at home while saving the taxpayers billions by reducing costly hospital and nursing home care programs.

Representative FENWICK has always been an advocate of eliminating foolish or ridiculous legislation in Congress. Her nationally renowned campaign against the so-called marriage tax, and subsequent victory is testimony to her devotion to the commonsense principle of legislation.

Mrs. FENWICK has had an admirable history of public service. From championing causes of civil rights, prison reform, and conservation in the New Jersey State Legislature to championing the causes of consumers as the director of New Jersey's division of Consumer Affairs; MILLICENT FENWICK has demonstrated that she lives up to the Almanac of American Politics' summation of her mission to "go where she can be of service".

I join the other Members of Congress in paying my respect to this very distinguished lady and legislator.●

● Mr. CONTE. Mr. Speaker, with the end of each Congress, each of us comes to the well of the House to reflect on the achievements of our colleagues who will not be continuing their service in the next Congress. Each time we take the well, it is with a note of sadness, but this time for me it is particularly painful. Not only am I losing two great friends, but I will also be without two comrades in arms who have shared ideology and sense of purpose with me throughout their congressional careers.

Without MILLICENT FENWICK, the Halls of Congress will be a little less friendly and a lot less elegant. Throughout her congressional career, MILLICENT has been one of the chief spokesmen for "good government" by being a thoughtful legislator. Her support for this institution has at its root a love of the American people and their Government.

She has led the unending struggle for equal rights and equal opportunity for all our citizens. In so doing, she has been the most eloquent spokesman for what is good about the Congress. No one has done more than MILLICENT FENWICK to prove that human concern and republicanism are allies rather than adversaries. While I am certain that here convictions will not allow her to rest on her laurels, it is my sincerest hope that she will continue to be an example for all public servants, male and female, Republican and Democrat alike, through her works and deeds.

Thank you, MILLICENT, for giving me the opportunity to serve with you. It

has been one of the highlights of my congressional career.

Another great friend leaving at the end of this Congress is HAROLD "CAP" HOLLENBECK. Playing on my GOP "Nasty Nine" since he first arrived in Congress, CAP has answered affirmatively and enthusiastically to the perennial question "Who's on second?" Fortunately for his constituents, however, CAP has been a much better legislator than second baseman.

Through his work on the House Committee on Science and Technology, CAP has become one of the most knowledgeable Members of this body on the space program. His expertise in that area will be missed by his colleagues on both sides of the aisle.

Above all, CAP has been an honest politician and a man of his word. We Northeastern Republicans have been through some tough times these past few years. Through it all, if CAP said he was on my side not only did I know he would deliver, but moreover I knew I was doing something right.

Mr. Speaker, I join with my colleagues in wishing MILLICENT and CAP all the happiness and success they so richly deserve.●

● Mr. RHODES. Mr. Speaker, I am pleased to join the special order paying tribute to HAROLD "CAP" HOLLENBECK. It is indeed disappointing that the recent redistricting in New Jersey had such a devastating effect on CAP's political fortunes.

CAP HOLLENBECK worked hard for his constituents during his time in office and he will be missed by the people of his district, as well as by his colleagues in the Congress. He has many friends here who wish him well. I am one of them.●

● Mr. RODINO. Mr. Speaker, I want to take this opportunity to pay tribute to two very fine members of the New Jersey Congressional delegation who are leaving Congress at the end of this term. MILLICENT FENWICK and HAROLD HOLLENBECK are dedicated public servants who have made many contributions to their State and their country.

Since she first came to the House in 1975 Congresswoman FENWICK has been an outspoken advocate of international human rights and good government. As a member of the Foreign Affairs Committee, she fought for the establishment of the Helsinki Commission to monitor human rights violations throughout the world, and she has been an ardent supporter of civil rights here at home.

The House will surely miss Congresswoman FENWICK's eloquence, honesty, and wit during our debates. We in the New Jersey delegation will miss the humor she provided at many of our meetings. Her constituents will miss the personal attention she gave them during her countless hours of service.

Congressman HOLLENBECK has established a record of independence and compassion during his 6 years in the House. His work on the Science and Technology Committee has been marked by his strong commitment to the advancement of scientific research in America, and he has used his position on the Public Works and Transportation Committee to fight for forward-looking programs that will benefit not only New Jersey but the entire Nation.

On budget issues, Congressman HOLLENBECK has courageously raised his voice as an advocate of the disadvantaged, the elderly and the minorities of our country. We will miss his sensitivity and intelligence on the issues that mean life or death to the most vulnerable in our society.

I am proud of the service performed by MILLICENT FENWICK and HAROLD HOLLENBECK for their State and their country, and I join with my colleague in wishing them all the best as they leave the Congress to pursue other interests.

● Mr. GREEN. Mr. Speaker, I want to join my colleagues in paying tribute to our distinguished Members from New Jersey, MILLICENT FENWICK and HAROLD "CAP" HOLLENBECK, whose retirement we sadly acknowledge. They have served their State and country with distinction and will be sorely missed in the 98th Congress.

I rise today to express to them a deep sense of appreciation for their years of dedicated service to this body and to this Nation. As moderate Republicans representing the Northeast, we have worked together on many occasions and I have admired their work for the people of New Jersey.

MILLICENT FENWICK has been and, I am sure, will continue to be a fervent Republican. She is a person of irresistible character, outspoken and elegant at all times. On the Foreign Affairs Committee, she worked to create the Helsinki Commission to maintain pressure for human rights. She introduced a bill to end the "marriage penalty" in tax law, and sponsored legislation to keep the food stamp program from having its funding cut. She opposed military aid to Vietnam but remained active in fighting human rights violations there.

I have had the pleasure of working closely with CAP HOLLENBECK on many issues. During the debate on the first budget resolution last May, CAPPY and I offered an amendment to the Jones budget resolution to reduce the levels of defense spending. On the Science and Technology Committee, he has fought hard to save funds for pure research and argues against the funding cutbacks that the Budget Committee and the administration have tried to enact. He, too, is outspoken and willing to take a stand for the people of New Jersey.

It has been a privilege to know and work with both MILLICENT and CAPPY. They have served with integrity and commitment and have set an example for us all to emulate. I join my colleagues in wishing them the best in their future.

● Mr. GUARINI. Mr. Speaker, I am proud to join my colleagues in tribute to "CAP" HOLLENBECK, who represented for 6 years the good people of the district which neighbors mine in New Jersey. Coincidentally, his Capitol office is just down the corridor from mine as well, so I often had the chance to enjoy his company on our weekly flights back home and during many trips over to this Hall. CAPPY is one of the warmest, most concerned individuals I have ever known; he has won many friends here both on and off the Hill. These friendships have no limit in party affiliation, for, above all, CAP HOLLENBECK's character and genuine care for his constituents defies partisan boundaries.

CAP has been an articulate and outstanding spokesman for the people of Bergen County and all New Jersey. As a Congressman he showed his concern for all by dedicating himself to helping the young, the old, the poor, handicapped people, and all those who look to us in Washington to help guarantee for them a dignified lifestyle. CAP HOLLENBECK was faced with a series of difficult choices in this last term in Congress when his party urged him to cut the programs on which many of his people depend. In the end, CAP HOLLENBECK decided that his constituents needed his loyalty more.

CAP HOLLENBECK was always most interested in being a good Congressman for all the people of his district. He has served his people well in the halls of Congress. While I shall miss his company here, I am looking forward to seeing him often back home in New Jersey. Best of luck, CAP, in your new adventures, wherever they may lead you.

● Mr. CARMAN. Mr. Speaker, I rise today to honor CAP HOLLENBECK who will be leaving Congress this year at the end of his third term. CAP has served with distinction during this 6-year period. As a member of the Aging Committee he worked hard in support of the Older Americans Act and as a member of the Committee on Science and Technology he has been a crucial supporter of NASA and the National Science Foundation. His dedication will be missed. I enjoyed working with him and wish him all the best in what I know will be a successful future.

● LAGOMARSINO. Mr. Speaker, I rise to pay tribute to my dear friend and colleague on the Foreign Affairs Committee MILLICENT FENWICK.

Anyone who knows MILLICENT knows she represents the fighting spirit of one who champions the cause of the underdog, the downtrodden, and the

disadvantaged. She is respected on the foreign affairs committee and in this House because she is not afraid to speak her mind, to question or to challenge authorities or institutions.

MILLICENT's devotion to duty and to serving the people of her district are well recognized. She is conscientious in attending to all the varied functions of being a Member of Congress, and faithfully attends the meetings of her subcommittees and committees, asking probing questions and offering thoughtful comments and observations on the issues coming before us.

MILLICENT's personal style, her charm and grace have been a distinct asset for the Foreign Affairs Committee, particularly in our meetings with representatives of other countries, where she often carries on conversations fluently in the language of our foreign guests. Her presence will be sorely missed in the next Congress, and I can only hope this administration will have the presence of mind to use MILLICENT's talents in some appropriate way as a diplomatic representative of this country.

In whatever endeavor she undertakes, I know she will offer the same gracious style that marks her presence in the Congress. I am most pleased to join my colleagues in wishing MILLICENT a most successful and fulfilling future, a future I am sure that will be as rewarding as the past.

● Mr. GILMAN. Mr. Speaker, it is truly a privilege to honor the most honorable gentlewoman from New Jersey. It is difficult to imagine this Chamber without her gracious presence. She has demonstrated what a truly honorable and respected Member of Congress can accomplish in these Halls. When she speaks, we listen, on both sides of the aisle. We know she has always done her homework. I recall the impression it made on a member of my staff attending a briefing on the extension of the Civil Rights Act that MILLICENT had attended and was the only Member of Congress there. She had specific questions which she was determined to have answered by the committee experts.

MILLICENT's floor challenges to hasty judgments and generalizations have made us focus in on the specifics of legislation. I have always admired her erect stance as she fought off any challenge and disregarded any pressure until she got to the heart of the matter at hand.

We are losing a great legislator and a staunch fighter for justice and fairness in our land. She understands the heartbeat of our Nation and more importantly the heartbeat of our people and those who have to work hard to make ends meet.

Some say her pipe has contributed to the great sense of wisdom and dignity surrounding her that always makes

us listen, but I think not. We listened because we knew she had studied the issues hard and would not leave her principles for popularity. More interested in standing tall than in rising to the top, she worked hard learning the legislative process and getting the big picture in a number of committees. On all she left her mark. I have particularly enjoyed working with **MILLICENT FENWICK** on our Foreign Affairs Committee where we will sorely miss her strong presence.

MILLICENT, you have left your invigorating mark on all of us who have had the privilege of knowing you and serving with you. We wish you joy and good health in the days ahead, knowing that the State of New Jersey and the Nation have only begun to benefit from your dedication and inspired leadership.

● **Mr. RINALDO**. Mr. Speaker, it is a privilege to join my colleagues today in honoring my good friend and fellow Representative from New Jersey, **HAROLD "CAP" HOLLENBECK**, who is leaving Congress at the conclusion of this session after having ably and effectively represented the residents of New Jersey's Ninth Congressional District since being elected to Congress in 1976.

During his 6 years of service, he has brought to the deliberations of the House a strong sense of personal conviction, integrity, and legislative ability. In establishing an impressive record of public service, he has contributed creatively and constructively to legislation advancing the welfare of his district and the Nation.

CAPPY has been a dedicated legislator, and his love of his district, State, and country has had a positive influence on all who have known and worked with him. He has won respect from both sides of the aisle and from people familiar with his accomplishments.

I express my admiration and gratitude for a job well done, and wish **CAPPY** success and happiness in his future endeavors.

● **Mr. CHAPPELL**. Mr. Speaker, I join my colleagues today in paying tribute to a distinguished Member of this body, **HAROLD C. HOLLENBECK**.

In his 6 years of service in this body, **HAROLD HOLLENBECK** has distinguished himself by his hard work and independence in diligently representing the people of the Ninth District of New Jersey. With a voting record which supersedes partisanship, **HAROLD HOLLENBECK** has performed a service to both his district and his Nation. He has displayed the same personal integrity in his work on the Public Works and Transportation, Science and Technology, and Select Aging Committees.

Thus, it is with a feeling of loss that we witness the departure of **HAROLD HOLLENBECK**. We are losing an able col-

league, and New Jersey is losing a fine Representative. I certainly wish **HAROLD HOLLENBECK** well in his future endeavors.

● **Mr. RINALDO**. Mr. Speaker, it is with a sense of personal regret that I join my colleagues today in saying farewell to a truly outstanding and popular Member, the Congresswoman from New Jersey, **MILLICENT FENWICK**.

During her four terms in the House she has compiled an impressive record of achievement and in doing so has gained recognition as a true and effective representative of the people. She has demonstrated her many skills both in committee and in debate on the House floor. I have long admired and respected the joy and enthusiasm she has shown for her profession. Her life and record are marked with one achievement after another as she has ably and effectively represented New Jersey's Fifth Congressional District and has deservedly gained the reputation as the conscience of the Congress.

Throughout her many years in public office she has been a dedicated public servant with few peers. Before her election to Congress, she served first as a member of the **Bernardsville (New Jersey) Board of Education** before being elected to the New Jersey State Assembly in 1958. Representative **FENWICK** served in the assembly until 1971 when she was appointed State Director of Consumer Affairs, a post she held until 1974 when she was elected to the House.

During her 8 years of congressional service, she has loyally championed and creatively contributed to legislation significantly advancing the welfare of our Nation. There is no denying that her service to the Congress, her constituents, and to the Nation has been substantial.

I express my gratitude for the noble service she has rendered and join my colleagues on both sides of the aisle in wishing her Godspeed.

● **Mr. MINISH**. Mr. Speaker, the outstanding personality of my colleague from New Jersey, the Honorable **MILLICENT FENWICK**, is so well known that it is difficult to avoid repeating what is so well known to all of us here. Her endearing characteristics and her high principles are known throughout America, and we will miss her when she leaves this House.

I would like to emphasize one aspect of **MILLICENT**'s career that is often overlooked: her relation to the politics of New Jersey. Too many people overlook the virtues of the Garden State, and outsiders may not realize that our colleague is in fact typical of a tradition of public service we have there which can represent the best in American political life. From Governor **Woodrow Wilson** back in the Progressive Era we can trace a tradition of selfless public service which has made New Jersey a good place to live and

work, and the Honorable **MILLICENT FENWICK** is very much a part of this tradition. In the legislature and in other public offices, **MILLICENT FENWICK** endeared herself to the people of New Jersey for years before her service in Congress made her a popular heroine to Americans all over the country. I certainly hope that Mrs. **FENWICK** will find new outlets for her patriotism and energy when the 97th Congress comes to a close.

I am pleased to have had the opportunity to work with my distinguished colleague for the people of New Jersey and America.

● **Mr. HOLLENBECK**. Mr. Speaker, will the gentleman yield?

● **Mr. COURTER**. I will be happy to yield to the gentleman from the State of New Jersey.

● **Mr. HOLLENBECK**. Mr. Speaker, I want to thank the gentleman for bringing this special order on tonight, along with the dean of our delegation, Congressman **FORSYTHE**. The gentleman has been very patient in trying to bring this special order to the floor. I never dreamed that I would be on the floor for the last time competing with the nightly news or competing with **Johnny Carson** or **Don Rickles**. Respecting my friends from Illinois and from the State of New York, they neglected to mention that in those games, not mentioning the game I played shortstop in, they generally swung somewhere from the dugout, especially the gentleman from Illinois, when the now Senator from Maine, whose name I must not mention, was on the mound.

● **Mr. Speaker**, I would be less than honest to stand before you tonight if I did not admit that I am saddened to be leaving Congress after 6 years. Not because I lost an election, but because I will not have the opportunity to serve the people of the 9th District of New Jersey in the upcoming 98th Congress.

However, I ask that my colleagues take comfort in knowing that I will continue, in one way or another, to represent the interests I have defended for so long.

There are many I would like to recognize as I look back on my 6 years here.

First, and foremost, my constituents, for entrusting me with the responsibility of representing them in the Congress.

Second, I must pay tribute to my colleagues from within the New Jersey delegation, and I can only think that our great State is well served by these fine lawmakers.

Finally, I would like to thank all my colleagues, from both sides of the aisle, for working with me to serve the people.

In my 6 years here I have held a great many posts: the Committees on Banking, Finance and Urban Affairs;

Standards of Official Conduct; Public Works and Transportation; Science and Technology; and the Select Committee on Aging.

In addition, I have held a variety of informal positions: with the Northeast-Midwest Coalition; the Environmental Study Group; and the Gypsy Moths Coalition, just to name a few.

Although my roles were many, I never felt that I was taking on too much. To be sure, if anything I believe there was much more to be done.

As I leave these Halls of Congress, I take with me several remembrances. First, the honor to call my fellow representatives "colleagues and friends." It has indeed been an honor for me to have had the opportunity to serve with you.

Second, I take with me a renewed sense of respect for the greatness and permanence of the legislative process. Granted, unique was the day we found ourselves in complete agreement on any given issue. Yet we never forgot our purpose in disagreement: That purpose being to represent all the interests of all the people. And although I must say that I was not always pleased with the outcome of many of our debates, I am comforted in knowing that, in the long run, it is the people who are the victors.

Finally, I leave Congress with the conviction to continue serving the people, in whatever I do. I find little satisfaction in serving myself at the expense of others. Public service has always been my calling, and it will remain so.

I confess I am a bit embarrassed to be showered with such tributes this evening. Believe me, I am not accustomed to taking the floor to pat my own back, or to have others do it for me. But I thank my colleagues for their words tonight, and more importantly, for serving with me in the House of Representatives these past 6 years.

Thank you very much.

□ 2310

A TRIBUTE TO THE HONORABLE TOBY MOFFETT UPON HIS DEPARTURE FROM CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 60 minutes.

Mr. MILLER of California. Mr. Speaker, it is with mixed emotions that I stand before the House today to honor and to praise a colleague of ours, TOBY MOFFETT.

Toby and I came here together in 1975 in the 94th Congress, along with a very large class of freshmen, for the purposes of meeting an unmet agenda in this country and to try to bring reform to the Halls of Congress. I was fortunate enough to become immediate friends with Toby. I watched his

ability to organize the Congress, I watched his ability to move among one of the largest classes in the history of the Congress of the United States, and we joined in friendship and joined in commitment in a number of immediate fights to reform the seniority system and to reform the manner of selection of committees within the Congress of the United States to hold committee chairmen accountable to the entire body. That is what was begun in the caucus in the 94th Congress.

Later I was honored to travel to Chile, where we investigated torture and murder and violations of human rights by the Government in Chile and we were able to come back and present an amendment to cut off aid to that Government.

We joined arms and walked out of this Chamber when a President of the United States demanded \$800 million more to continue an immoral war in Vietnam against the will of the American people. We have seen that as a record of courage and a record of commitment that has been built by our colleague, TOBY MOFFETT.

But he came more than a colleague; he came also as my friend. We were able to vacation together, to fish together now and then, and to share a bet on a football game or a basketball game, but never to share the winnings of those bets.

We have also watched our children grow. We have shared the same experiences. We saw his daughter, Julia, in high school, and we saw Julia performing and excelling in horsemanship.

We witnessed his marriage to his new wife, Myra Delapp, and 8 months ago, we shared the birth of his daughter, Mary Ellen.

So this is more than saying goodbye to a colleague, it is saying goodbye to a dear friend, and it is also a recognition that the Congress of the United States and indeed the people of the United States will miss TOBY MOFFETT. They will miss him because he came to Congress with an agenda. He came to Congress with a sense of urgency about the agenda and a commitment to meet the goals of the unmet agenda of this country, an agenda to address the inequities in our society, the imbalances of power within this country, and the injustices that affect millions of Americans everyday.

Mr. Speaker, this is an agenda that is not without its opponents. It is an agenda that ran against the powerful within the Government and against powers outside the Government. The gentleman from Connecticut became a spokesman for the consumer and for the elderly, and his battles on natural gas and oil are a legend. His organization of this Congress on the repeal of the oil depletion allowance should be set down as a model for new Members of Congress when they seek to orga-

nize around the important and difficult issues of our time.

His oversight as a member and chairman of the Subcommittee on Government Operations, I suspect, will lead many in the administration not to be sad that TOBY MOFFETT is leaving. James Watt will not be sad that TOBY MOFFETT is leaving. James Edwards will not even be here to say goodbye because he left before. Anne Gorsuch will not be sad to see TOBY MOFFETT leave. Why? Because he has constantly kept that diligence and that sense of urgency that these people came to Washington as part of this administration to serve the people who elected this administration, to be advocates for their departments and not the participants in the dismantling of that agenda. And I daresay that he has held as tight a rein on this administration as he did on the previous administration.

The fact that these people will not be sad to see TOBY MOFFETT leave the Halls of Congress is testimony to a record of courage and conviction, a record that was recognized by Time magazine some months ago when Toby was selected from among the 50 "faces of the future," and I suspect the fact that he will not be in Congress will not diminish his presence, his power, or his commitment to this country.

Just a few minutes ago, when sitting in the cloak room, one of the more powerful chairmen of the House shook TOBY MOFFETT's hand and said, "I'm going to miss you as a friend but not as my adversary." I think that sums up how we feel about TOBY MOFFETT. Those who have fought alongside of him have welcomed his friendship, his courage, his diligence, and his organizational skills, and those who have opposed him have felt the brunt of those exact skills.

Finally, after the race for the Senate in which he was defeated running against Senator LOWELL WEICKER, Senator WEICKER the next morning said about his opponent, "TOBY MOFFETT is a class act." And let me say that for the last 8 years, while I have shared a seat in Congress with the gentleman from Connecticut, he has been nothing but a class act.

Mr. Speaker, I daresay that the agenda he came here to carry out is still unmet, but it is much further along toward completion because of his service in the Congress of the United States.

TOBY MOFFETT'S ANNOUNCEMENT OF HIS CANDIDACY FOR THE U.S. SENATE, DECEMBER 1, 1981

I hope we can focus today, and in the coming year, not simply by asking what kind of Senator we want to elect, but by thinking about what kind of society we want to create for the rest of the century.

It is said by the historian Dumas Malone that Thomas Jefferson "had strongly armed

his mind before critical events occurred, and was more than ready for them when they came."

We should be looking for public servants who, like Jefferson, are prepared for the future. We should be looking for people who are ready for the rest of this century.

The slogan of the other party—"Time for a Change"—seems so shallow and short-sighted. The challenge is not to merely change from one personality or even one party to another but to elect people who are prepared for a time of change.

The United States Senate can be the most important institution for charting a course to the next century. Its most important task is to help insure that we get there in one piece.

First, it must confront the ugly and frightening reality that the world continues to spend over half a trillion dollars a year—a million dollars per minute—on more efficient ways to kill people. Total nuclear firepower, already over a million Hiroshimas, continues to grow rapidly.

The Senate must exert pressure to move beyond the constructive first step taken this week in Geneva to extend arms control negotiations beyond medium-range missiles, to include long-range weaponry.

We must also push for non-proliferation, serious non-proliferation. Unless the superpowers show that they are committed to this principle, there is no reason to believe that Pakistan and other nations will pay any attention. At this point, the Administration is not taking this problem seriously at all.

Finally, we must take steps to keep weaponry out of space. The place for Star Wars is in the movie houses.

The Geneva meetings are a positive first step on the arms control front. Such negotiations are difficult. They take place in an atmosphere of insecurity on both sides. It will be critically important to have more Senators, working together, who will question the assertion that the United States is woefully behind the Soviets in every important defense category.

The fact is that we already possess missiles that can travel 6,000 miles and land on a targeted city block in Moscow. We have cruise missiles that can part your hair from 2500 nautical miles. We have Trident submarines. Just one of them has enough warheads to destroy all of Europe.

We are not weak. We are not behind the Soviets in any disastrous sense. If anyone is losing the arms race, it is all of us—the entire world community. Our major fear should be the seemingly never-ending cycle of arms buildups.

The positive first step by the President on the arms control front has not been matched by any step toward reason and reality in domestic policy, particularly in the economic arena.

The idea of cutting spending to decrease the Federal deficit is a sound one. My own proposal to have the House take time each year to investigate programs, to find out which programs work and which ones don't, is a rational approach to weeding out waste, fraud, and abuse. The House is moving towards implementing this kind of review session—and the Senate should, too.

But so many of the conservatives who used to worry about Federal deficits have since jumped ship. They are off on a wild and dangerous "supply-side" adventure, an adventure charted on an impossible course.

There is no way we can balance the budget by spending \$1.5 Trillion on defense

in the next five years and granting \$800 billion in tax cuts during the same period. Even if every penny of the President's proposed budget cuts are approved by the Congress, those reductions still won't be nearly enough to balance the budget. Not with the "supply-side" gameplan in effect.

Reaganomics is ludicrous in this respect. The President wanted tight money. He has tight money. And that policy is helping to ruin America's housing and automobile industries.

Reaganomics goes one step further—trying to combine tight money and the resultant constricting economy with "supply-side incentives. That's like trying to swim upstream with Milton Friedman and downstream with Jack Kemp at the same time.

James Tobin, the Nobel prize-winning economist from Yale, describes the Reagan budget and tax program as "an historic reversal of direction and purpose". In Professor Tobin's view, "the message is clear enough; inequality of opportunity is no longer a concern of the Federal government."

For the victims, the all-too-common victims, the budget cuts are major and disastrous.

To cut older people and infants off nutrition programs is mean-spirited. Many of the other cuts are simply foolish. They will cost us more later on—to clean up drinking water that's become contaminated because safeguard were dropped . . . to incarcerate juvenile delinquents who might have been salvaged by youth programs that were cut . . . to rebuild streets, sewers, and bridges that could have been saved with regular maintenance.

The Reaganomics gameplan is deferring an investment in the future. The gameplan protects the powerful political interests—things like tobacco subsidies and the Senate Majority Leader's favorite dam and breeder reactor.

And while singing the praises of the work ethic, Reaganomics tries to fight inflation by putting people out of work. That's wrong. That's cruel. And it's a bankrupt Economic Policy.

The Reaganomics game plan also hits hard at the nation's economic future. When the Administration slashes funds for the Export-Import Bank, for example, Connecticut's export business suffers, well into the future. And so do the jobs that go with those businesses.

Perhaps most damaging to our economic well-being and productivity in the long-run are the cuts in human capital. The critical shortage of skilled labor projected for our State will be worsened by cuts in education especially in fields like engineering.

Are we ready for the rest of the century? Our chief political opponent, the Soviet Union, is not cutting back on education. Our main economic competitor, Japan, has half our population but graduates more engineers than we do.

We cannot attack our obvious productivity problem by cutting research and development, scientific education or by simply shoveling tax cuts out the Treasury Department door for businesses and wealthy individuals.

Nor can we address our productivity problem by creating scapegoats such as environmental regulations or trade unions. Republicans intrigued by the idea of union-busting should remember that it was a man named Lincoln who came to this very city in 1860, during the shoemakers' strike, and applauded unions and their right to strike.

We are in for a major transition, both nationally and in our State. What kinds of

people will we elect to lead us through it? How will we handle change? How will we prepare for the future?

The United States Senate can be the major forum for this discussion. The Senate needs more of the kind of new blood represented in that 1974 freshman class in the House. Some of my classmates are already there—Chris Dodd, Paul Tsongas, Max Baucus. They need to increase their numbers so that the post-Watergate Democrats can play a leadership role in the Senate—just as they have in the House, with committee and subcommittee chairmanships and leadership positions.

This group combines the best of the Democratic tradition of compassion and vision with the new realities of limited resources.

I am deeply appreciative that so many people in Connecticut, many of whom I have never had the pleasure of meeting, have taken an interest in my future, in my options. I and my family also appreciate your understanding that this was a most personal decision.

For the past eight years, I have been growing: From community organizer and consumer advocate working outside the system to House subcommittee chairman. This growing process, this sometimes painful transition, has enabled me to learn a great deal about how to be effective in a legislative body.

I want to continue to grow in that direction. It will provide me with a chance to contribute to peace, to the creation of a rational and fair economic plan and to serve our entire State as an accessible representative.

Accordingly, I have decided to seek the United States Senate seat now in Republican hands.

SOME OF CONGRESSMAN MOFFETT'S MAJOR ACHIEVEMENTS AS CHAIRMAN OF THE HOUSE SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES

Toby Moffett—in the largest leap ever made by a junior House member to take charge of a subcommittee—defeated three more senior Members to become Chairman of one of the House's major investigative/oversight panels. (Feb. 79)

In 1980, he held hearings, subpoenaed the Secretary of Energy and joined a court suit, all of which led to the defeat of the 10¢-a-gallon gasoline tax.

Forced the Environmental Protection Agency (EPA) to revise its miles-per-gallon testing and labeling program to reflect real-life driving conditions.

Uncovered an attempt by the EPA to gut the law restricting the use of lead in gasoline—a promise by EPA administrator Gorsuch not to prosecute a refinery and to weaken the law. Result: Gorsuch plan stopped.

Conducted hearings on Interior Secretary Watt's plan to allow oil and gas drilling in sensitive environmental areas off the coast of California. Result: Leasing attempts halted by Federal courts.

Authored successful legislation to save the American Conservation Corps, to provide up to 100,000 jobs for youths—a program Secretary Watt had attempted to scrap.

Disclosed attempt by Reagan administration to cut enforcement efforts at Energy Department to collect oil company price overcharges. Result: Congress added funds to the budget for continued collection of hundreds of millions of dollars.

Investigation of \$2 billion synthetic fuels plant revealed mismanagement by Energy Department. Result: Administration dropped project.

Probed Nuclear Regulatory Commission inspection procedures at nuclear plants. Result: stronger safety inspection program and improved emergency evacuation plans to protect residents from nuclear accidents.

Conducted only Congressional investigation critical of federal expenditures for massive political pork barrel water and dam projects. Result: \$138 million in construction stopped.

Through extensive hearings, forced Department of Energy to highlight conservation as a tool for reduced energy consumption.

Successfully encouraged the government itself to institute energy conservation measures within its agencies.

Exposed millions of dollars in waste and overpayments resulting from poor or nonexistent financial accounting procedures in Energy Department. Result: major Government Accounting Office investigation.

Through a series of hearings on ground water pollution, led the effort to develop a national ground water protection policy and federally backed clean-up programs.

MAJOR LEGISLATIVE ACCOMPLISHMENTS

Co-authored emergency legislation to provide immediate relief to the people of Lebanon following the current crisis. Congress passed and the president signed the bill, authorizing \$50 million in aid, within weeks after it was introduced.

Introduced a resolution, co-sponsored by more than 70 House Members, to maintain eligibility of graduate and professional students in the Guaranteed Student Loan Program. More than 5,000 graduate students in Connecticut are dependent on this form of aid.

Filed a court brief against Agriculture Department regulations that would have cut reimbursement rates for family day care facilities by up to 30 percent. Result: the judge rejected the new regulations and cited the brief as being instrumental in his decision.

Forced the Secretary of Agriculture and the director of the Office of Management and Budget to release \$1 million in Summer Food Care funds for the State of Connecticut. Result: 27,000 low-income children benefited from nutritious meals during the summer months.

Wrote law providing for the transfer of certain Conrail freight operations in Connecticut to private rail carriers. Result: continued rail service to factories and plants located throughout the state.

Added an amendment to rail legislation which permitted the State of Connecticut to receive additional funding to operate commuter rail lines.

Introduced a resolution to prevent the Department of Health and Human Services from "deregulating" nursing homes, so that elderly persons in nursing homes will not be exposed to conditions that violate fire and health codes.

Wrote a new formula for Medicaid reimbursement, which saved the State of Connecticut \$37 million in 1981.

Filed a legal brief, challenging the veto of a Federal rule which would have protected consumers against fraud and misrepresentation in the used car industry. Case will be argued before U.S. Supreme Court in the fall of 1982.

Drafted 1981 bill to institute a "moratorium" on new legislation in Washington for a

certain period each year, coupled with an investigation/oversight "season" in Congress to examine existing laws and agencies.

Authored 1981 bill to adopt a regional approach to the prevention of acid rain.

Wrote home insulation safety law. Played a key part in investigation of U.S. role in Arab boycott of American firms doing business in Israel.

Authored resolution denouncing Soviet harassment of Jews and dissidents seeking to leave the USSR.

Inserted provision in Rail Reorganization Act to maintain Office of Public Counsel, thereby insuring access for rail freight users in decision-making process.

Wrote law mandating appliance efficiency labeling and standards.

Led the successful 1975 battle to retain price controls on domestic crude oil.

Fought to keep controls on natural gas prices.

Instituted tough penalties for oil companies that overcharge the public.

Led three successive and successful battles to establish and continue emergency fuel assistance to the poor and elderly.

Served as the sole New England representative on the joint House-Senate national energy bill conference committee.

Amended National Energy Act, to protect smaller industries in their efforts to convert from oil and gas to coal.

Amended National Energy Act, to prevent utilities from abusing fuel adjustment clause in their bills.

Provided for "citizen intervenor" funding to insure consumer representation at state utility rate hearings.

Wrote 1979 law requiring, in times of severe shortage, a one percent "set aside" of oil for residential home heating use.

Wrote and served as House Floor Manager for law requiring U.S. to have a standby gasoline rationing plan "on the shelf" in case of severe shortages.

Helped establish this country's Strategic Petroleum Reserve.

Fought IRS provision permitting multinational oil companies to deduct royalties paid to foreign governments. Result: Tax loophole was closed and taxpayers saved an estimated half-billion dollars a year.

Amended Department of Energy budget to cut millions of taxpayers' dollars being used in questionable and non-productive endeavors.

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

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

Mr. RATCHFORD. Mr. Speaker, I thank the gentleman for yielding, and certainly I join in echoing the words the gentleman has so eloquently stated this evening.

The man we honor tonight is without a doubt one of the more effective Members of Congress. He is an activist, and I can recall, when he was elected 8 years ago, that many said that an activist simply could not make it in the Congress of the United States; he could give a good speech, lead a cause, and be out there in front, but he would not get something done. But what the gentleman proved was that an activist could be effective in Congress, for without a doubt Toby MOFFETT was one of the more effective coalition builders in this Congress.

Let it be an issue of energy and he would find common cause in an oil producing State so that together the interests of both for the betterment of the people of the United States could be advanced.

I think specifically of the fight of 2 years ago when the issue was funding for the whole question of fuel assistance, and we in the North and the Northeast were told that it simply cannot be done because the money will not be there.

So what did this leader do? He reached out to Texas. He found a problem that was unique in that area, and he found a goal which was one that could be advanced for both and as a result we were able to benefit the old, the frail, and those who needed relief in this very difficult situation.

He has been an advocate in the truest sense, initially for the consumer, then for those concerned for the quality of life and the future of our environment. He has been in every sense a leader.

But to many of us he was much more than that; he was a friend. This Member of Congress remembers full well the encouragement that he gave to me as a young speaker of the house in times when we were told in Connecticut that "what you are doing can't be done because it wasn't done that way in the past."

This Member of Congress also remembers 8 years ago coming through a very narrow loss, with all the emotion that that entailed, and being consoled by TOBY MOFFETT, who then had been elected to the Congress of the United States, and he was urging me to hang in there because there would be another day, although not too many others saw it.

But he did. He provided the encouragement and I am thankful, because without that this Member of Congress simply could not have done it and would not be standing here this evening.

He has helped me in every possible way since I was elected to the Congress in 1978. He opened his office to me, provided a working environment, and provided staff to work with me, and he was always providing valuable counsel as it related to me, our staffs, and what we were trying to do collectively for the Fifth District of Connecticut.

□ 2320

Our relationship is a relationship that is more than that of one of 435 Members of this body. Our relationship is that of true friends.

Toby has made a contribution that is unique, I think, in the history of our State, a State that prides itself in strong public servants and in unique leaders, a State that has brought to this United States Abe Ribicoff, Ella

Grasso, CHRIS DODD. TOBY is in that category. He is indeed a true leader.

Let me say to you, those who are gathered here tonight, his friends, we will meet again and it will be to pay tribute to TOBY MOFFETT who is making some new, different, but certainly some very unique and very positive contributions to the future of this country.

But tonight what we do is to gather to say thank you to a colleague, thank you to an associate, thank you to a friend, but, above all, thank you to a public servant in the truest sense.

Mr. MILLER of California. Mr. Speaker, I now yield to the gentleman from eastern Connecticut, the Representative from the Second District, Mr. GEJDENSON.

Mr. GEJDENSON. Mr. Speaker, I wish to echo the remarks of my colleague from the western part of the State. I think if we take a look at TOBY's career we know full well that we have not lost him from public service because his commitment to the consumers on issues that affect them, whether energy or Government spending programs, preceded his time in elective office.

TOBY MOFFETT was not someone who found concern for his constituents and concern for the people of this country when he came to this Congress 8 years ago. His concern for the people of Connecticut preceded that and his actions as a consumer advocate, finding an unelective role at that time to fight for the people of his State on the issues of utility regulation, of consumer regulation, and really started a movement in Connecticut which in those days was a very fragile one, but where today we have an institution in CCAG, an organization that is committed to fighting for the consumers of all of the people of the State of Connecticut.

I think my colleagues have to a large degree represented the great job that TOBY did here in his 8 years in the House. I think it is important to recognize that as he reached out to BILL RATCHFORD and helped him, he reached over to help me in eastern Connecticut. In a time when there were not many who thought I would ever end up in the House of Representatives, TOBY MOFFETT, at some political risk, came to assist me in eastern Connecticut.

I think more than anything else his friendship and his assistance is the reason that I am here today.

I think if we take a look at the issues that we all fight for in our own districts, TOBY always made time to come over and help us. In my district in the 2 years that I have been in Congress, we have had three instances where ground water was polluted as a result of the mishandling of dumps and industrial waste products.

TOBY came and TOBY came quickly to give my assistance on an issue that he had become not only a leader in Connecticut but a leader nationally.

Whether it be military spending or the environment or consumer issues, TOBY was always there and TOBY was always at the forefront. I believe he will remain there.

I think it is important that each of us recognize that as Members our impact at times is limited. TOBY MOFFETT in a very short time had his impact reach across the Nation on energy issues primarily but on many other issues. Many Members of the House and many people around America looked to TOBY MOFFETT for leadership on the vital issues of the day and I am convinced that they will continue to do so.

With that I yield back to my good friend from California (Mr. MILLER).

Mr. MILLER of California. I now yield to the gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY. Mr. Speaker, the honor of representing Connecticut in this body during the past months was heightened for me by sharing it with TOBY MOFFETT, a friend whom I have known and admired for many years. His spontaneous help, from the moment I announced my candidacy, was a gesture of encouragement and confidence which he repeated time and time again during my first weeks in Washington. This willingness to be of service, as characteristic of TOBY as his dedication to his ideals, is equally reflected in his commitment to this congressional body.

TOBY's own election to the House of Representatives in 1974 was the culmination of intense, vital years as teacher, youth organizer, director of the office of students and youth under the commissioner of education, aide to U.S. Senator Mondale and prime force in the creation of the Connecticut Citizens Action Group. In those preliminary roles he touched and influenced the lives of many, as he has in his four terms in Congress. Translating idealism into practical action is a way of life for TOBY, from which consumers and constituents, youth and future generations, benefit enormously.

TOBY came to Washington as Connecticut's consumer advocate activist and was an instant leader, working for change within the institution he loved. He sought stronger environmental safeguards; he sought a more intelligent energy policy and a saner defense program; and he staunchly defended minority rights. An expert in the energy matters so important to constituents in Connecticut and the Northeast, he pioneered legislation on their behalf, giving hope, emoting charisma. Simultaneously, through competent staff, he provided a caring, compassionate constituent service.

TOBY MOFFETT gave new meaning to the oversight function of a Congressman. As chairman of the Government Operations Committee's Subcommittee on Environment, Energy and Natural Resources, he served effectively as a watchdog over national energy policies. He fought the decontrol of oil and natural gas prices. He supported policies designed to conserve energy and he brought to task those charged with protecting the environment who have been lax in their duties. From the vantage point of a member of TOBY's subcommittee, I have witnessed the remarkable manner in which he has promoted the efficiency and effectiveness of the programs under his jurisdiction.

We in Connecticut are proud of TOBY MOFFETT. His name is synonymous with energy in many senses of the word. He is a man devoted to his family and to his friends, of which I am fortunate to be numbered. Sympathy, intelligence, dedication, and vision brought him to the House of Representatives. We will, I predict, see him launch into new endeavors and reach new pinnacles, or pinnacles anew. Self-made, self-starting, his contribution will be great.

For the freshmen in the delegation standing here tonight it almost seems unreal to me that I will stay here and that TOBY, for awhile, will be gone. But what TOBY MOFFETT did for me was to provide a benchmark.

When there are moments when I wonder if one can work harder, if one can go further, if one could represent one's constituents better as a Member of Congress, I will only have to think of what I saw TOBY do and TOBY is my example and will make me a better Congressman for Connecticut.

I say thank you, TOBY.

□ 2320

Mr. MILLER of California. I yield to the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Speaker, I would like to thank my colleague, the gentleman from California (Mr. MILLER) for taking this time to recognize service in Government, certainly by one who served in this body and in great measure by the legacy that he leaves for a short while out of public service, in truly making our country a better place in which to live.

As a senior Member, one would have to admit that initially TOBY MOFFETT was not one who I often agreed with. As a matter of fact, my good friend, even in disagreement, was one who had new ideas, was one who was creative. And I think truly, Mr. Speaker, if we are to survive, we are going to have to look to people who come to this body who represent not only their constituency, but represent us on a national scale and give us the thought

process and the vision to make this work a better place in which to live.

I am thoroughly impressed by what the preceding speaker, the gentlewoman from Connecticut (Mrs. KENNELLY) has observed about a junior Member of the Congress. And I will always look at TOBY MOFFETT as a junior Member. But certainly one who I have a great deal of respect for and one who even in the closing days of an outstanding career I look to for some guidance in not only energy policy, but in the direction that people think we ought to move.

One great attribute about a legislator is that you can trust him. Even though we came from different perspective views, TOBY MOFFETT you also knew where he was coming from. And I respect that in a legislator.

He never surprised you. He told you what he thought. He gave you full recognition and notice that this is what he intended to do, and for that I felt rich as a legislator.

I am going to miss the contribution that this young man has made. I certainly hope that his appetite for giving is not satisfied. There is much in this individual's chemistry that will help America. I may not agree with it, but there is much he can contribute.

And so in the closing days of a brilliant political career, at least at this point I am encouraged that so many of us feel—and I am talking about the men tonight and the ladies who respect his contribution—TOBY's career is not ended. It may be just beginning.

As chairman of the Ways and Means Committee, he gave me a great deal of perspective. I did not agree with it. But it was perspective.

TOBY has great heights to climb. He has done a great deal in a very short period of time. I am going to be supportive of him, because I trust him. And if a legislator can trust a fellow legislator, that is 95 percent of the battle.

So, my colleague, Congressman MILLER, I appreciate the opportunity you have given to me to make my feelings known about an individual who I think is a great American, who has much more to contribute, and who I encourage to a short political career that really is kindled in my opinion by a defeat. I wish him well and I want him to know that he has a friend from Illinois in the name of DAN ROSTENKOWSKI.

Mr. MILLER of California. I thank the chairman for his words tonight and know that TOBY also appreciates them.

I yield at this time to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I join with my colleagues and friends of TOBY MOFFETT to congratulate him on his years of outstanding service to the Nation and the people of Connecticut—and to wish him a speedy return to public life.

Seldom has the House or the country seen a Member of Congress accomplish so much in such a short time. TOBY has displayed burning energy, and enthusiasm for public service; he has showed us all how to better use the "bully pulpit" of a congressional office to help protect the consumers and workers of America. He has shown us how to use a subcommittee to investigate, shed light, and arouse public concern over key environmental and energy issues. His work on toxic wastes, energy, and auto efficiency, unwise public works projects, and the havoc which would be wreaked by an oil import fee, have helped improve the lives of all Americans.

TOBY's leaving will deprive the House of one of its best overseers—unfortunately at a time when we need him more than ever.

He has demonstrated again the old truth that eternal vigilance is the price of liberty—and of good government.

I am going to miss his presence in this Chamber. His wit and courage are an example to us all. I can only hope that he will soon find another platform to continue his work on behalf of the American people.

Mr. Speaker, I would address my colleagues in the Chamber and the Congressman's staff and say that following the remarks that I would put in the RECORD about my colleague's good works as a subcommittee chairman and in dealing with the environment, dealing with his ability to use oversight as a tool that worked well, to talk about something that bothers me and that TOBY did well.

He did it so well that I thought about this in this sense.

If you think about a political leader—and I tried to think about somebody as I extend my remarks who talked about the importance of what one person could do. And so if you will bear with me for a minute—a person who some years ago talked about the futility of being one man. And he suggested that if we all gave in and said that we could not make changes in the world because it was futile, we should look at Martin Luther King, or we should look at Martin Luther, as a practical matter. If we would give in to expediency and say that if that was a cause for us to not want to make changes—we should look at those people who in the expediency of giving in to politics gave in to the camps of Dachau and Auschwitz, and we did not give in—many people did not.

Then you could look at the other danger, this person said, and we could give in to the concerns of temerity, and say that many of us did not wish to be laughed at and so we would not take a chance and risk the temerity or

take the temerity and risk the chance of being laughed at by our colleagues.

And the other great danger, this colleague of ours of some years back said, was the risk of comfort, which TOBY did not have. TOBY did not have the comfort of an education paid for by his parents or TOBY did not have the comfort of a great deal of outside income. And many people could use that comfort to not take a chance.

If you have a great deal of education, a great deal of income, you do not have to risk fighting.

□ 2340

So as our friend said, the futility, the expediency, the temerity, the comfort, all those things could deny one person from trying to change the course of the world and if you did not risk greatly, you could not achieve greatly.

Now, the person who said that, and I wish it could have been me, was a person who I am sure both TOBY and I admire, it was Robert Kennedy when he finished his book in March of 1968 and he wrote those words in Los Angeles just before he was assassinated; but I think back on it and I think that those apply to TOBY who was willing to risk greatly, to achieve greatly.

We will miss him, those of us who may not risk as greatly as we would like. He did achieve greatly and I think that will go on his record and I think we will all admire him for that.

In addition to that, we will miss him as a friend. We will miss his wife, Myra, and little Mary Ellen. I expect they will be back and I expect he will continue to achieve and to risk and the country will see him and so we will say just farewell for a while.

I again thank my distinguished colleague, the gentleman from California, for calling this special order. I apologize for the maudlin sort of feeling here, but I say just so long to one of my best friends.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for his remarks.

I yield to the distinguished gentleman from Washington (Mr. FOLEY).

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

I just want to add my words of appreciation for the service of TOBY MOFFETT, and as the gentleman from California (Mr. STARK) who just left the well has said, I think all of us feel that this is far from the end of a distinguished public career, that having lost a narrow election to serve in the other body, his record here being as outstanding as it was and it has been described by other Members and him being so young a man in terms of his public service, very experienced, but in terms of years very young, it is absolutely certain that he is going to continue to play a major role in the public

affairs of the United States and I think that is all to the good.

Whether people on either side of the aisle have always agreed with TOBY, he has been recognized from the first moment he came into the House as a man of extraordinary ability, capacity and dedication and eloquence and determination in the causes that he chose to support and those causes were causes that I think the vast number of us believe have been extraordinarily well served by his time in the House of Representatives.

So we do not bid him goodbye. We salute him and we expect that he will serve in another capacity in the public life of our Nation, perhaps some day back in the House of Representatives; but in any case, continuing to contribute to the welfare of the citizens of this country and the broader community of the world, which he also constantly expressed concern and involvement and commitment to.

I thank the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for his contribution.

I yield to the gentleman from Illinois (Mr. Russo).

Mr. RUSSO. Mr. Speaker, I want to thank my colleague, the gentleman from California, for giving me this opportunity to pay tribute to one of my dear friends and to one of the finest Members of the Congress, TOBY MOFFETT. When TOBY and I served on the Energy and Commerce Committee, we often found ourselves on the same side on a number of important issues, ranging from no-fault insurance to the decontrol of oil prices. I can remember the battle that we fought on decontrol. Even though we lost, we raised the conscious level of the American people. His voice on these, and on a host of other important issues, has been strong and compelling. The Congress is losing a very special individual.

All of us are going to miss TOBY as a Congressman, and I am going to miss him as a friend. I mentioned that we have often been together on issues, but on occasion, we have disagreed on issues—but these differences have never affected our personal relationship. And for that I am most grateful. I have come to value TOBY's friendship, his intelligence, his counsel, and, of course, his move to the hoop, and I must admit one of his strong assets was not passing to a better shooter. I do have to say in all candor that while on rare occasions TOBY might take advantage of us "old-timers" on the basketball court, on the floor of the House you always knew where he stood on the great issues facing our country.

I do not like saying goodbye to TOBY, not only for the personal loss to those of us who have enjoyed our work with him as colleagues, but because I be-

lieve that he is one of the most conscientious, wise and thoughtful people in the Congress. In difficult times like these, it is particularly painful to say goodbye to a Member of the caliber of a TOBY MOFFETT. Sometimes, the voice of the poor, the disadvantaged, the vulnerable, the average working American gets lost here in Washington—but TOBY MOFFETT always heard these voices. People throughout the country have lost a good friend and a tremendous advocate.

His work here has been characterized by great energy and passion, an all too rare commodity. You notice someone like this—in fact, you may have your mind changed, be inspired, and at the very least you are compelled to think longer and harder about the issues you are confronting. I believe he can be paid one of the greatest compliments you might receive here, at least in my book—he has made a difference. He translated his compassion into action and he did it with skill. If we must lose his talents, I think we can be pleased that young people will have the benefit of TOBY's experience and philosophy. I hope as well that TOBY will find some time to commit his thoughts to paper, so all of us can continue to benefit from his insights. Today I join with my colleagues in commending TOBY for a job well done and wishing him continuing success in the future.

I may extend this invitation to TOBY, that should his old legs carry him further, he is always welcome to join the boys down in the gym and we will show him the same courtesies he has shown us throughout the years; that is, we will stay away from him. We will not pass the ball too often to him and we will make sure that he very rarely takes as many shots as he has done over the past 8 years. There are only a few of us in the Chamber here today that can claim to shooting more often than TOBY MOFFETT and I will leave those individuals nameless.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman.

I yield to the gentleman from Massachusetts (Mr. SHANNON).

Mr. SHANNON. Mr. Speaker, I want to thank the gentleman from California for yielding.

I suppose it is natural that these special orders take on kind of a melancholy tone because those of us who will be here in the next session of Congress come to talk about one who will not. Certainly my own people are not adverse to attending wakes, but I do not think that we should be melancholy here tonight, because what we are here to talk about is somebody who really set a standard for all of us to live by in the future.

Many people run for Congress, talking about the great things that they intend to do if they get elected. They talk about issues of justice and fair-

ness and coming here to represent the unrepresented. TOBY MOFFETT was one of those.

Many who arrive here in Washington find that it is not so easy to translate what you said in your campaign and what you said to your constituency into public policy; but TOBY in his years here in the House of Representatives never forgot who sent him here or why they sent him.

TOBY was able to come here and not just be one who stood on this floor and made speeches, but one who learned how to make legislation, how to make public policy, how to make sure that what was done here made life better for the people he was sent to represent, how to make sure that the policies that were developed in this body were fairer for all Americans.

I think that is really a standard that all of us have to remember. We have now a system of politics, a system of government that is easily corroded; it is easily corrupted, that allows as far as I am concerned too much special interest politics.

We have had Members who have stood here on the floor of the House of Representatives against those special interests, at some political peril, who have been able to see through the camouflage and the smokescreens that have been put up and have been able to say "no, we are not going to put up with that, we are not going to allow that, we are not going to allow the people to be unrepresented." I think TOBY MOFFETT has been one of our leaders and one of those people who has continually been able to do that.

□ 2350

I stand here as one who got into an awful lot more trouble than he would have in his first couple of years in Congress because he followed TOBY MOFFETT's lead. But I stand here with no regrets. He is somebody that I think we can all learn a lot from. He is also somebody I do not think we should eulogize because he stands for a lot of things that we should remember, and he is going to contribute an awful lot in the future, maybe more in the future outside of this body than he has in the past.

So we will look forward to hearing from him, we will look forward to his participation in the political process, we will look forward to his resumption of public office some day, hopefully soon, in the future.

We want to tell him that we have not forgotten what he stood for and that some of us will remember and try to follow his lead even after he is not serving in the House of Representatives.

I thank the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for his remarks and his contribution to this special order.

Mr. Speaker, I yield to my friend and colleague, the gentleman from New York (Mr. DOWNEY) not just for the purpose of remarks about Toby MOFFETT, but also obviously to explain how this fight of justice, truth and against special interests would have five members of the Committee on Ways and Means participating in this special order. I find it very difficult to understand. That is a committee where I have never seen five members praise another Member of Congress like this.

I do not know if you truly want him to leave, because of the problems he has created. I was quite pleased that the chairman of the Committee on Ways and Means would come and participate in this special order, but I find it a little difficult, and perhaps the gentleman from New York can explain why we ended up in this situation.

Mr. DOWNEY. I thank the gentleman for yielding.

Mr. Speaker, I am delighted that he has changed the rather maudlin tones that I had heard evinced here today about the gentleman from Connecticut (Mr. MOFFETT). I think the answer is quite clearly relief on the part of the members of the Committee on Ways and Means that Mr. MOFFETT will not be a Member of Congress in the next 2 years.

Mr. MILLER of California. Does that mean that the oil depletion allowance is back?

Mr. DOWNEY. The oil companies are free of the shackles that bound them while Mr. MOFFETT was here making sure that we did not give any more of the Treasury away.

Mr. MILLER of California. Does the gentleman mean that old people are going to have to pay more for home heating oil?

Mr. DOWNEY. Well, it probably means a whole raft of things, unimaginable things. Frankly, I cannot imagine the Congress of the United States without Toby MOFFETT.

As the gentleman from California is aware, as well as my colleague, the gentleman from Illinois (Mr. RUSSO) when we first came to this body in 1975 we were really a form of mass without substance and direction, and one of the leaders in the effort to give us some direction and some clout was Toby MOFFETT, and he did it in a way that was unusual.

He managed to craft the skills that he had learned organizing street youth gangs in Philadelphia.

Mr. MILLER of California. Is the gentleman suggesting that the class of the 94th Congress was to be equated with youth gangs? We have a process of taking down the gentleman's words here.

Mr. DOWNEY. Well, we had none of the civility of the Philadelphia youth gangs back in 1975. It was that unique ability of Mr. MOFFETT to blend together the disparate personalities and provide them some direction that is his true hallmark.

Mr. MILLER of California. Could the gentleman explain or persuade us that in this organizational effort, how come when those early press conferences were held, the organizers were always in the back behind the rostrum?

Mr. DOWNEY. Well, Mr. MOFFETT, as the gentleman knows, had an unerring ability for the camera lens. This ability was second only to his ability to appear on the CBS Morning News and radio more often than many Members of Congress, which I think was probably one of the reasons he was held in a minimum of high regard by some of our colleagues.

Mr. MILLER of California. The gentleman means in the New York media market.

Mr. DOWNEY. Yes. For the most part, he had not only this uncanny sense of what the press thought was important, but an uncanny sense of what was important for our country. And in a place where money, power and influence, getting along, going along, are really much more the premium, Toby followed very few of those early leads.

He was comfortable with his ideology, and that comfort and enthusiasm for the ideas that he espoused, he managed to infect—I do not know that that is probably the right adjective or verb—infect others around him. He was able to make people understand that a government freely elected by the people was good for people and that government had a positive role to play in a whole variety of things, energy, conservation, nuclear power, nuclear freeze. This was really unique and very special.

There are very, very few people who combine the ability to organize, the ability to draw out and the ability to codify ideas in a way that is palatable to legislators, palatable to the media, and palatable to people.

He was able to do all those three things. Frankly, he was without peer and is without peer in this matter.

I am quite sure that the next 2 years, the next 4 years, whatever Congressman MOFFETT does in that time he will do well and that our country will profit from his doing it.

Mr. MILLER of California. Speaking of profit, let us stop right there. This is an important point that the gentleman has made.

At one of our first meetings when the gentleman from New York and the gentleman from Connecticut that we are talking about, at one of our first meetings there was a consideration of the Giants versus the Redskins and I

remember discussing profit there and I remember discussing whether or not the Giants could enhance our effort, realizing the American dream of profit, or whether the Redskins could.

The gentleman from New York said very clearly, over the advice of the gentleman from Connecticut, that all the Redskins had to do was to simply show up and we were home free.

Well, it was not free. I notice this weekend the Giants are coming back to town. I do not know if that is symbolic, that Mr. MOFFETT is leaving here. I would like to know if the gentleman would suggest, in his engagements with the gentleman from Connecticut, has profit been there?

Mr. DOWNEY. There is no question that the gentleman from Connecticut (Mr. MOFFETT) was much maligned for his anticapitalist tendencies. Very few people who really knew Mr. MOFFETT, those were the people who did not know him, would say that those of us who knew him closely knew he was an entrepreneur of the most unusual sense. He was a man who was capable of seeing a good deal and moving to it.

Among the good deals that he saw most recently was the Georgetown-Virginia contest, and he picked the Virginia squad, much to his happiness and his profit.

Throughout his tenure here, he was capable of seeing a winner and a loser and understanding a point spread with rare, rare ability.

This is not found in many individuals.

The gentleman, of course, brings up a very sore point with me. Of course, the gentleman is talking about the 1979 Giants, weak in linebackers and even more tepid in the defensive secondary. But that particular day there was no question that Mr. MOFFETT saw something that I did not see, an inspired Giant squad, a poorly motivated Redskins squad.

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

Mr. MILLER of California. I would be delighted to yield to the gentleman from Illinois.

Mr. RUSSO. Rumor has it, on pretty good reliable sources, some of the same sources that the media use, that the gentleman from Connecticut is seeking a free agency in baseball and there is a possibility that maybe the New York Yankees, in dire straits for a very sure handed shortstop, an excellent hitter, could use a gentleman of Mr. MOFFETT's abilities.

As I recall the first game we had in 1975 as freshmen, the second play on national television, which was the Joe Garagiola show, was our great friend from Connecticut playing shortstop. A slow roller was hit to him. He bent down to get the ball, never came up with the ball, the ball went out to the outfield.

Mr. MILLER of California. It must have been somebody else's fault.

Mr. RUSSO. It was a possible double play. He went through the entire motion, faked out our second baseman who thought a ball was coming to him, and nothing happened.

We almost lost the ball game if it was not for the abilities of some of the other members of the team.

I must admit TOBY MOFFETT, I do not think Toby has ever gotten a hit in any game in the 8 years he has been here.

Mr. MILLER of California. When the gentleman suggested the term "free agency," that means that he would work for the Yankees for free, because clearly his talents would not allow a six-figure salary.

Mr. DOWNEY. On a sensitive point, I want to say that I participated in that first game.

Mr. Speaker, I would like to record to show at this point we have been joined by the gentleman from Massachusetts, Mr. MARKEY, the original author of the nuclear freeze and one of the giants in that effort, as well as its preeminent expert.

□ 2400

I want to say that the gentleman from Illinois does the gentleman from Connecticut a disservice, because rarely have I seen a shortstop look better than TOBY MOFFETT did in his Baltimore Oriole uniform. The fact that several of the balls hit to him managed to elude his grasp I think is nitpicking. Frankly, he looked terrific at shortstop in the warmups.

Mr. MILLER of California. A lot of discussion has been given here tonight about how TOBY MOFFETT looked, and there has been a lot of discussion about form over substance. Tell us again how he played his position.

Mr. DOWNEY. He looked excellent in practice.

Mr. RUSSO. His hair was always combed.

Mr. DOWNEY. Always combed. The hat fit him in sort of a jaunty manner that really defies description.

Mr. RUSSO. His uniform was never dirty.

Mr. MILLER of California. Explain again, when he went down for the ball, what happened?

Mr. RUSSO. He said, "MARTY, help me."

Mr. MILLER of California. Mr. Speaker, I would be delighted to yield to the gentleman from Massachusetts (Mr. MARKEY) who has studied now 6 years in the Moffett media school and accelerated in his class.

Mr. DOWNEY. Also a gentleman who has an unerring sense of the camera lens and how to project himself on it.

Mr. MILLER of California. And predictions. The gentleman from Massachusetts is very good at predictions.

Mr. DOWNEY. No, question, the gentleman from Massachusetts has an uncanny grasp of the obvious.

Mr. RUSSO. If the gentleman will yield for one other comment, it is appropriate that the gentleman from Massachusetts would participate in this. They play the game of basketball the same way.

Mr. MILLER of California. Gun and run?

Mr. RUSSO. Big O and no D. Two more famous individuals in the House gym in basketball are Ed MARKEY and TOBY MOFFETT. Neither can shoot well, but shoot often. Neither knows how to play defense.

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

Mr. MARKEY. Mr. Speaker, I thank the gentleman for holding this special order. I come to praise Caesar, not to bury him. I have tried to, as best I could, to emulate the master, TOBY MOFFETT. None have been better in their political or athletic career.

Mr. MILLER of California. Never have so many tried.

Mr. MARKEY. Never tried to hug the limelight, but at the same time always performing at his superb level of performance that would be expected of someone who is trying as best he could to give leadership to the others who need it to be pointed in the direction of victory. TOBY MOFFETT has given us that kind of guidance over the years.

The gentleman from New York (Mr. DOWNEY) in many, many areas—arms control among them—is considered to be an E. F. Hutton in this body, and I have been honored to call him my friend, but none have excelled in more areas of public policy in my 6 years in public policy than TOBY MOFFETT. I have been able to watch him from the vantage point as a co-member of the Energy and Commerce Committee since the day I arrived in Congress.

The gentleman from Connecticut has always demonstrated an ability to take on the very, very tough issues of the day and to give a point of view that would not have been expressed in the committee deliberations unless he was present. He had the ability to take on, not just the special interests, not just an unpopular point of view, but oftentimes the most difficult thing that any person in this body has to do, and that is the leadership. Those are the people in responsibility, through the seniority system, who have risen to positions of power, and for the most part, unfortunately in characterizing this body, I have deferred to in an unnecessarily deferential way.

Early in his career—1974, 1976, 1978—I think he was very instrumental in helping to break down a system that I think was not as productive as it could have been, because that undue deference was paid to that seniority system. The criticism that he took, the

price he had to pay politically early on in his career was eventually vindicated, and we now have a system, I think, which is much more open, much more capable of dialog, than had ever been possible before in the history of this Congress.

I think none were more responsible than seeing that new openness, that window placed open so that people could look in and see, that window of openness that TOBY MOFFETT gave to the citizens of this country to see how their Government worked.

Mr. DOWNEY. I make a point here about the gentleman's eloquence and also about the gentleman's tie. Is not that the same tie I have seen the gentleman wear four times last week?

Mr. MARKEY. This is what TOBY MOFFETT always said, if you have a good point, do it over and over again. TOBY MOFFETT would miss a shot four, five, six, seven times in a row, but never in any way—I think we could all say that about TOBY MOFFETT—his confidence was never for a moment stultified by any lack of success.

Mr. DOWNEY. I do not think there is any question that he could be amply characterized as a Michaelangelo of the media, as well as the sculptor of great ideas.

Mr. MARKEY. If I may, TOBY MOFFETT did not consider the hearing that he conducted a success unless five cameras were placed there.

Mr. MILLER of California. Sort of set a standard for us, the five-camera standard.

Mr. MARKEY. His staff deserves a lot of credit for those cameras, but I think the Congressman himself has to be given the vast bulk of credit. He had a telegenic quality that drew cameras. His presence will be greatly missed except for the gentleman from New York, who now sees a vacuum he can fill.

Mr. MILLER of California. I want to thank the gentleman from Massachusetts (Mr. MARKEY) for his remarks and for his contribution, his significant contribution to this special order.

I yield to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding. In all frankness, it was my intention to go home this evening. I happened to turn on the television, and I thought I was seeing a new pilot program to replace the "Tonight Show," and hoping that I might be able to participate in that pilot I rushed over here, because I did want to add my words to the praise that has been given to our good friend, TOBY MOFFETT, who I notice is not present in the Chamber.

I guess for the first year that I was in the Congress I had always thought that Toby was Italian, and I found out to my great disappointment that he is in fact Lebanese, but ethnics do appeal

to me and for that reason I wanted to come over and praise him, because he has been a good friend.

In all seriousness, he is somebody whose great ability has been to make waves in the process. I think that is something that we need more of in terms of the Congress; his knowledge, his understanding, and perhaps most of all, his friendship has been important to us. For that reason, I did want to come over and share in this praise that he fully deserves.

Mr. MILLER of California. I want to thank the gentleman for his contribution, and I want to say to those who are watching, if they will telephone, if you phone you can have the last word and phone in, was TOBY MOFFETT a success or a failure?

But, if the gentleman from New York has anything further to say I would be delighted to yield. If not, let me say in all seriousness the tribute and the fact of the number of Members who showed up here tonight, and the tribute they have paid, is in fact a tribute, a standard that has been set for public service, but it is also a tribute that all of us are fortunate enough to call a friend. TOBY MOFFETT has been our friend, and that is why we have been a little bit lighthearted here tonight, because we expect to continue to enjoy that friendship. We look forward to spending New Years again with Myra and Mary Ellen and Julia and other friends. This is not a man you forget easily. This is a man that I expect to continue to work with and together tonight, tomorrow, and throughout the future.

□ 2410

In no sense of the word is TOBY MOFFETT leaving public service, in my mind.

Mr. Speaker, I want to thank all of the Members who participated, and I also want to make a point that was touched on by the gentleman from Massachusetts. As much as we respect TOBY MOFFETT's legislative ability and his ability to challenge the interests in the issues, we also respect his ability to assemble what I think is one of the great staffs that have worked together on this Hill and worked together as a family and as a unit to provide support for one of the really rambunctious, creative individuals who has come to the Congress of the United States.

I personally would like to thank them for their help and their efforts on behalf of the same issues and on behalf of the same interests that have been the public interests. I want to thank them for the many long hours and the many weekends they have spent in this effort together in a real partnership. It is one of the few times we will see it in Congress—a real partnership between a staff and a Member of Congress.

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

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

Mr. DOWNEY. Mr. Speaker, I want to say very simply, that the history of Congress has been enriched by TOBY and he will join the list of Henry Clay, Allard Lowenstein, and others who have had a tremendous impact on this institution.

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

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

Mr. MARKEY. Mr. Speaker, I think that when the chronicle of the politics of the last quarter of the 20th century is written, TOBY MOFFETT's name will stand out as 1 of the 10 outstanding Members of Congress, those Members who stood up for the principles they believed in and made a real difference in the important public policy decisions that were critical in questions of defense, energy, and the economy. His name, along with others, such as John Moss and MOE UDALL, will be, I believe, engraved in the history of this country.

Mr. MILLER of California. Mr. Speaker, I would just like to say that it was said during the campaign, and it has been proven true in his years of service, that one good person can still make a big difference.

● Mr. McKINNEY. Mr. Speaker, I will have a special reason for missing TOBY MOFFETT when he leaves this Chamber in January. As the senior member of the Connecticut delegation at the ripe old age of 51, I have enjoyed having TOBY in the No. 2 spot to remind me that seniority does not translate into age. BILL RATCHFORD, with silver gray hair at age 48, will assume the second spot and will never offer me the same excuse.

More seriously, TOBY MOFFETT is a man of ideas and a man of energy. Although we sit on different sides of this Chamber and frequently differ on issues, I have always respected him as a thinker worth listening to. We have always shared a concern for providing residents of the Northeast with adequate energy resources at a reasonable cost. The people of Connecticut's Sixth District for the past 8 years have had a Congressman whose boundless energies have served them well.

● Mr. BOLAND. Mr. Speaker, I am delighted to join my colleagues in paying tribute to the Honorable ANTHONY TOBY MOFFETT of Connecticut who will be leaving the House at the end of this Congress.

Since TOBY MOFFETT was elected in 1974, he has established a notable record of legislative action. He has tirelessly fought for the people of his district, his State, and the entire Nation. He has gained a well-deserved reputation as an effective and

thoughtful representative of the Nation's consumer interests.

TOBY's significant work in the area of energy earned him the chairmanship of the Energy Subcommittee of the Committee on Government Operations. In this position, and as a member of the Commerce Committee, TOBY has contributed a great deal to America's energy policy. The energy problems which face America today often seem intractable and attempts at their solution always arouse controversy. The House has been fortunate to have TOBY MOFFETT playing a leadership role in these areas. He has always been willing to spend long hours studying these problems, and to place himself at the center of the highly charged debate which surrounds them.

It has been a pleasure for me to work with TOBY on matters of common concern to our constituents. Because he is a native of Holyoke, Mass., because the Sixth Connecticut District adjoins my district of Massachusetts, and because I know his fine parents, I consider TOBY to a friend and neighbor. I extend to him my best wishes for success in his future endeavors.

● Mr. ANNUNZIO. Mr. Speaker, I rise today to pay tribute to the Honorable TOBY MOFFETT, who has ably represented the people of the Sixth District of Connecticut in the U.S. House of Representatives for the last 8 years. His record of excellence and creative accomplishments as a citizen, as a public servant, and as a Member of Congress are most worthy of recognition.

Before coming to the House of Representatives, TOBY served as the Director of the Office of Students and Youth for the U.S. Commissioner of Education from 1969 to 1970, and as a staff assistant to former Senator Walter Mondale from 1970 to 1971. He also compiled a record of outstanding achievement as the director of the Connecticut Citizens Action Group from 1971 to 1974, and he is a man of exceptional writing abilities and teaching skills, who has been active in civic and community affairs, as well as consumer advocacy.

Elected in 1974, TOBY MOFFETT has served with distinction as a member of the House Energy and Commerce Committee as well as a member of the Subcommittees on Health and the Environment, on Fossil and Synthetic Fuels, and on Commerce, Transportation, and Tourism of that committee. He has also given outstanding service as the chairman of the Subcommittee on Environment, Energy, and Natural Resources of the House Government Operations Committee. His dedication to high standards is an inspiration to his friends and fellow citizens, and he will be missed here in Congress by all

of us who have had the opportunity to work with him.

I extend to TOBY MOFFETT my best wishes for continued success in all of his future endeavors, in devotion to the highest principles.●

● Mr. JONES of North Carolina. Mr. Speaker, I join with the majority of the Members of this House in realizing the loss of one of the more popular Members; I refer to my good friend, TOBY MOFFETT. It was always a pleasure to discuss legislation with Toby as he was always understanding and in most cases, fully cooperative.

On a more personal basis, I do not know of any Member of Congress above the Mason-Dixon line who was as well informed about the athletics of the Atlantic Coast Conference. He knew all the names of the players of the major schools, such as North Carolina State University and the University of North Carolina. I mention this to show just how well-rounded and well-informed he is. Of course, I shall miss this camaraderie, and certainly want to wish him and his family well in the years ahead. I am sure whatever career he decides to pursue, he will prove to be an outstanding success. Even though he will not be with us after January, I shall consider him a friend, and in closing, offer him not only friendship, but any assistance that I might lend him in the years ahead.●

● Mr. MITCHELL of Maryland. Mr. Speaker, I am pleased to join my colleagues in this tribute to yet another fine Member who will not serve with us after the current session. Representative TOBY MOFFETT will not return next year and I will certainly miss this spirited man who has dedicated his tenure in Congress to such causes as consumer protection, legislative oversight, and energy conservation.

Representative MOFFETT has held strongly to his various missions. His voice has often been heard on behalf of this Nation's poor, elderly, and youth. Additionally, he has utilized his various House positions to draw attention to inequities and injustices.

It has been quite apparent that, during his years of service in the House, TOBY MOFFETT has remained steadfast in his commitment to the consumer. He has conducted in-depth probes into ground water contamination and related toxic waste problems, the controversial oil import fee, automobile miles-per-gallon standards and test procedures, "pork-barrel" dam projects, emergency planning around nuclear powerplants, and the taxpayer-funded Synthetic Fuels Corporation. His expertise and commitment brought needed congressional attention to such sensitive, critical issues.

Mr. Speaker, it is often that we realize that we will miss a departing colleague. However, I believe that Mr.

MOFFETT will continue to work ardently on behalf of those causes for which he fought in the Congress. He is entering other arenas of public service and I am certain that his contributions will be just as valuable. I wish him the very best.●

● Mr. WAXMAN. Mr. Speaker, when TOBY MOFFETT retires at the end of this session, the House will lose one of its finest Members and I will lose having a good friend as a colleague. I wish to take this opportunity not only to wish Toby well, but to pay tribute to his work here and consider what his retirement will mean to us.

TOBY MOFFETT came to Congress as part of the much heralded class of 1974. As a fellow member of that class, I have been constantly impressed with how quickly Toby mastered difficult and important issues and translated popular rhetoric into legislative victories. We have read the stories on how special interests have come to control Congress. The truth is Toby was captivated by a special interest—it is called the public interest, and he has fought for it in every battle he has entered. It is futile to recall every cause Toby has championed, but it is essential I at least acknowledge his tremendous contributions to environmental energy and consumer legislation. Both as chairman of the Environment, Energy, and Natural Resources Subcommittee, and as a member of the Energy and Commerce Committee, Toby has stood as Horatius did at Tiber and protected the public interest.

Perhaps no issue illustrates Toby's commitment and skills as his work on acid rain. Several years ago the public and most Members of the House were unaware of the emerging acid rain problem. Toby read the studies, looked at the acidification of lakes, and realized the need for Federal legislation. Through his efforts we have all been educated on the problem, and it is now one of the public's highest pollution concerns. Acid rain legislation will not pass this year, but I will be supporting strong legislation during the next Congress. When that legislation is enacted, it will be a fitting tribute to Toby's dedication and vision.

It is obvious Toby's talents will be missed here. I will miss his friendship and the abilities he brought as an ally. But after speaking to Toby, I am confident we will be working with him in the coming years. I know we all wish him the success that is his due.●

● Mr. ROSENTHAL. Mr. Speaker, TOBY MOFFETT has been a friend and close colleague since he came to Washington in the 94th Congress. We represent constituents in adjoining States. We share a Government Operations Committee assignment and are both subcommittee chairmen there. Each of us has a special interest in consumer and environmental issues; and in democratizing the committee system so

that newer and younger Members of Congress can more effectively participate in the legislative process.

TOBY has been able to accomplish what most Members of Congress only aspire to: Success in tackling some of our Nation's most difficult problems without sacrificing his dedication to the day-to-day needs of his constituents. As chairman of the Environment, Energy, and Natural Resources Subcommittee, Toby compiled an enviable record of investigative hearings which exposed taxpayer giveaways to the energy industry, nuclear energy hazards, natural gas and crude oil price gouging, and exploitation of our Nation's finite natural resources.

TOBY MOFFETT has been the quintessential legislator: Compassionate, tough, dedicated, fair, and resourceful. What we have witnessed during these past 8 years is merely chapter 1 of what I know will be a long and successful public career. Given the significance of his past accomplishments in so short a time, I can hardly wait for chapter 2.●

● Mr. ST GERMAIN. Mr. Speaker, since first coming to Congress, our esteemed colleague, the Honorable TOBY MOFFETT, has been a strong advocate of consumer rights. He has served his constituents and the Nation well with his vigilance in monitoring the activities of the energy industry. At a time in our history when we saw soaring energy costs and inadequate supplies, Toby was in the forefront of those questioning the reasons for the situation and searching for equitable solutions to our price and supply problems. He has earned a reputation as a tenacious fighter for consumers and, as chairman of the Subcommittee on Environment, Energy, and Natural Resources, he has become a major congressional spokesman in these areas.

As fellow southern New Englanders, we have worked together for many common goals. His energy, enthusiasm, and intelligence have proven invaluable assets to the New England congressional delegation. I have followed Toby's career closely since he came to Congress. The qualities which made him quickly become a leader of his class will assure his future success. I wish him the very best and know that, whatever he chooses to do, we can expect to hear from TOBY MOFFETT.●

● Mr. SYNAR. Mr. Speaker, I appreciate the opportunity to participate in this special order for my friend and colleague from Connecticut, TOBY MOFFETT.

I have served closely with Toby not only as a Member of the House, but particularly by our work together on the Government Operations Committee and the House Energy and Commerce Committee.

As you all know, TOBY has served with distinction as chairman of the Government Operations Subcommittee on Environment, Energy and Natural Resources, and I have been lucky to serve with him on that subcommittee since first coming to Congress.

During the 4 years I have worked with him, TOBY has brought literally scores of important issues before the committee and before the House of Representatives. I know you are all familiar with these issues and with TOBY's leadership in his capacity as chairman of that subcommittee, so I will not reiterate his many accomplishments in that area.

But I do want to say a few personal words about TOBY and my work with him. I think that the highest compliment one can pay a fellow colleague is to say that he always stands up for what he believes is right. And, as much as any Member I know, TOBY has consistently stood up and fought for each and every cause he believed in. And as important, he fought those battles openly, and with forthrightness and integrity.

There have been some issues in the past 4 years over which we disagreed—sometimes very strongly. But I always knew where he stood; and, in a time when many politicians try to be all things to all people, his candor was always refreshing. And no matter that we disagreed, I always learned something from his perspective on issues.

I will miss his leadership on many issues in which we share a mutual interest. I will miss our sometimes lively debates on other issues. And, I will miss him as a friend.

● Mr. BONIOR of Michigan. Mr. Speaker, it is always hard to say goodbye to those of our colleagues who will not be returning in the next session. Seeing TOBY MOFFETT leave, however, will be particularly difficult.

TOBY is a dear friend. Over the last 6 years, we have fought together for environmental and energy causes, have played basketball and baseball together, and have learned to trust and depend on each other.

Our backgrounds are so similar, and our interests are so much alike that I know I will be losing a close friend and not merely a colleague. I know also that TOBY has much more to offer his district, to the State of Connecticut, and to this country. I look forward to the day when we will again see him in public office.

● Mr. STARK. Mr. Speaker, I join with my colleagues and friends of TOBY MOFFETT to congratulate him on his years of outstanding service to the Nation and the people of Connecticut—and to wish him a speedy return to public life.

Seldom has the House or the country seen a Member of Congress accomplish so much in such a short time. TOBY has displayed burning energy,

and enthusiasm for public service; he has showed us all how to better use the "bully pulpit" of a congressional office to help protect the consumers and workers of America. He has shown us how to use a subcommittee to investigate, shed light, and arouse public concern over key environmental and energy issues. His work on toxic wastes, energy and auto efficiency, unwise public works projects, and the havoc which would be wreaked by an oil import fee, have helped improved the lives of all Americans.

TOBY's leaving will deprive the House of one of its best "oversighters"—unfortunately at a time when we need him more than ever.

He has demonstrated again the old truth that eternal vigilance is the price of liberty—and of good government.

I am going to miss his presence in this Chamber. His wit and courage are an example to us all. I can only hope that he will soon find another platform to continue his work on behalf of the American people.

● Mr. SAM B. HALL, JR. Mr. Speaker, when my friend TOBY MOFFETT leaves the House at the end of the "lameduck" session, Congress will have lost one of its more energetic and effective young Members. He has boundless enthusiasm for the give and take of politics, and while our views are not often parallel, I have the greatest admiration for his ability and integrity.

As we all know, TOBY MOFFETT ran a tremendous Senate campaign in his native State of Connecticut and came very close to success against a popular incumbent. On the basis of this strong campaign and his statewide image as a spirited fighter for environmental and consumer causes, I predict that he will soon be back in the political arena. He has already enjoyed outstanding success at the polls.

I have enjoyed serving with TOBY MOFFETT and wish him well in his future endeavors.

● Mr. AKAKA. Mr. Speaker, I am pleased to join my colleagues today in tribute to the gentleman from Connecticut, TOBY MOFFETT on the occasion of his retirement from the U.S. Congress.

TOBY is best known for his efforts on energy policy, particularly in regard to consumers' rights. However, his commitment to social activism did not begin when he entered the House of Representatives in 1974. His concern for the rights of others began long before that. Whether it was as a teacher in Boston's inner-city schools, as the first director of HEW's Office of Students and Youth or as executive director of the Connecticut Citizen Action Group (CCAG), TOBY has consistently worked for the disenfranchised or unrepresented people of this society. His work with

the CCAG was particularly successful, leading to that group's role as a national model for citizen advocacy groups.

My colleague's brand of social activism is also somewhat of a pioneering effort. He is a serious legislator who works very well within the system. His understanding of the House led to his chairmanship of the Energy Subcommittee on Government Operations. He has used this position to good effect, most notably by leading the effort which rejected a proposed dime-a-gallon oil import fee.

As TOBY leaves the House to return to Connecticut, we certainly will miss both his counsel and his wisdom.

● Mr. OBERSTAR. Mr. Speaker, TOBY MOFFETT's heartbreakingly close loss in his Senate race is a loss not only for the Senate, but for all of us in the Congress and throughout the country who are working for a responsible energy policy, environmental protection, vigorous enforcement of our consumer laws, for a commonsense and cost-conscious approach to defense spending.

In the tremendous scope of his legislative activities and the unsurpassed energy which he has brought to his official duties, TOBY MOFFETT has set a standard by which other Members are judged. He brought to this House his enormous enthusiasm and competence as a consumer advocate. He remains as passionate and as effective an advocate as the day he entered this House.

Quite simply, the Congress will not be the same without TOBY. He would have been a tremendous Senator for the people of Connecticut and for the Nation. His commitment to peace and to progressive domestic policies would have made him a tremendous ally in the Senate for those of us deeply concerned about the misallocation of the national budget and its grotesque emphasis on nuclear weaponry at the expense of human services programs.

There is no doubt that only a chapter in the book of TOBY MOFFETT's political career has come to an end. Those of us who know TOBY and respect his ability and dedication to public service will not be surprised should TOBY join us again either as a colleague in this House or as a Member of the other body.

I hope the next few years will be rewarding ones for him, as he has the opportunity to explore diverse professional experiences, as well as the joys and privacy of a temporary retirement.

● Mr. LONG of Louisiana. Mr. Speaker, ANTHONY TOBY MOFFETT will be leaving the House at the close of this session of the Congress. Today, I am pleased to be able to make a few remarks about TOBY before he leaves our ranks.

For the past 8 years, it has been an honor for me to have TOBY MOFFETT as a fellow Congressman. From the very first day of his service in the House, Toby has been one of the hardest working Members in this body. Toby has diligently and unceasingly sought to defend and advance the interests of his Connecticut constituents. At the same time, Toby has been a vigorous defender of the House as an institution. We have shared a common interest in seeking to improve the legislative process.

During his time in the House, Toby has been a vigorous defender and advocate of the consumer. He has been recognized by his colleagues as a vigilant overseer of the bureaucracy and the executive branch. For Toby, "oversight" is much more than just a word used by political scientists. He has shown all of us how oversight can be used effectively to make our political institutions responsive and accountable. In his time of service in this body, Toby has conducted in-depth probes into ground water contamination and related toxic waste problems, the controversial oil import fee, automobile miles-per-gallon standards and test procedures, "pork barrel" dam projects, emergency planning around nuclear powerplants, and the taxpayer-funded Synthetic Fuels Corporation.

For myself, I have to admit that I have met few individuals with the wide range of interests and the energy that I have observed in the time I have known Toby. In addition, he is a man of character and integrity who has brought great credit to this body. It was typical of TOBY MOFFETT the man that he did not seek to hide or cover up his feelings after his recent loss in Connecticut's senatorial election. However, I, along with all his other friends, have been very pleased to see the way he has bounced back from this temporary setback.

We do not know what the future holds for TOBY MOFFETT. Yet, each of us can rest assured that Toby will find a way to continue serving the people of this country. My friend, we shall miss you in this body. I wish you the very best in the years ahead.

● Mr. RAHALL. Mr. Speaker, first off I would like to thank the gentleman from California, Mr. MILLER, for setting aside this period of time so that we may have an opportunity to express our thanks and appreciation to a Member of this body, who has served his State, district, and Nation with distinction, TOBY MOFFETT.

During the 8 years he has represented the Sixth District of Connecticut, TOBY MOFFETT has never let things just "go along as always." He has been one to shake the system, from time to time, and has always made it a point that the best interests of the people be served.

As chairman of the Subcommittee on the Environment, Energy, and Natural Resources, Toby fought President Carter's dime-a-gallon oil import fee; he fought the decontrol of oil prices; he worked for numerous energy conservation programs; and always took the side of the consumer, especially those in New England who often took the brunt of higher energy prices.

His career, for now, has been cut short here in Congress, but knowing Toby, his efforts will not cease. His principles remain the same, his goals have been unaltered, and I know that he will fight another day.

Our personal friendship has grown over the time we have both spent in this body. In January 1980, we traveled to the Middle East together, and visited the land of our grandparents, Lebanon. Our relationship has been strong, because of our similar ethnic backgrounds, and even though he will not be a Member of the 98th Congress, I am pleased to know that our friendship will carry on in the years to come.

I wish Toby, and his wife, Myra, the very best, and hope that all their future endeavors are successful.

● Mr. ROYBAL. Mr. Speaker, I take this opportunity to pay tribute to one of the hardest working and most dedicated Members of the House. For 8 years TOBY MOFFETT has provided this body with the principles, visions, and creative ideas so badly needed in these turbulent times. Through his commitment to justice and the ideals of peace Toby has been a courageous leader and a reliable ally in the difficult battles.

I know I speak for my colleagues when I say that we are honored to have had such a fine human being among us and we respect his many contributions to all the people of this Nation.

● Mr. FORD of Michigan. Mr. Speaker, it is with great pleasure that I join with my colleagues in paying tribute to ANTHONY TOBY MOFFETT. I will truly miss TOBY as both a friend and a colleague when he leaves the House of Representatives at the end of the 97th Congress. As a member of the "Watergate class" of 1974, Toby brought to Washington a dedication to social activism and an energetic and aggressive style. After only 4 years in the House, Toby was elected to the chairmanship of the Government Operations Subcommittee on the Environment, Energy, and Natural Resources—a mark of the high esteem in which Toby is held by his colleagues.

Toby has long fought to benefit consumers through his actions and votes in the House. Toby led the fight against the decontrol of natural gas and, as winter is upon us, we are now seeing the dire consequences of decontrol. He has continued his battle to assist in lowering the costs of heating fuel to a more affordable level for con-

sumers throughout the Northeast and the remainder of the Frost Belt. The people of the Sixth District of Connecticut, as well as consumers everywhere in the United States, are losing a fine Representative in Washington.

● Mr. MATSUI. Mr. Speaker, it is with a profound sense of regret that I join my colleagues this afternoon and pay tribute to TOBY MOFFETT, who will be leaving this House after 8 years of distinguished service. Toby's wit, intelligence and style have often infused this body's debates with an infectious spirit, one of which we are saddened to be cured.

I have had the pleasure of serving with Toby on the old Interstate and Foreign Commerce Committee, where I witnessed his ingenuity and talent firsthand. This Nation has TOBY MOFFETT to thank for his pioneering efforts in articulating the extent of the contamination of underground water supplies by hazardous wastes and motivating the Government to take curative action.

Toby's legislative record attests to his abiding concern for the rights of all Americans to receive equitable treatment from their Government and the various institutions which comprise our society. His championship of environmental and consumer oriented legislation has translated into a better life for all Americans, especially those generations not yet born. Toby learned well from my predecessor, John Moss, and conducted thorough oversight investigations into the activities of Federal agencies to insure they were serving the public interest by carrying out their statutory mandates.

In closing, I would like to share the last stanza of a poem by Robert Frost which epitomizes Toby's attitude and contribution to the House of Representatives:

I do not see why I should ere turn back
Or those should not set forth upon my
track to overtake me.
Who should miss me here and long to know
if still I held them dear.
They would not find me changed from him
they knew
Only more sure of all I thought was true.

TOBY, I wish you Godspeed.

● Mr. RODINO. Mr. Speaker, I want to take this opportunity to recognize an outstanding Member of this House, TOBY MOFFETT, who is leaving Congress at the end of this term.

For the last 7 years TOBY MOFFETT has devoted himself to fighting for the best interests of all the people over the special interests of a few. As a member of the Energy, and Commerce Committee, he has been an articulate and knowledgeable spokesman for the cause of energy conservation, reminding this House and the Nation of our commitment to a safer, cleaner, and more energy efficient environment.

His vigilant oversight of the Federal bureaucracy has held our Government

accountable to the people and protected American consumers from abuse.

His work for tougher regulatory standards for nuclear power plants has made safety a certain priority for our future energy sources.

His contributions to a sensible policy for stopping the spread of nuclear weapons has helped to put this administration on notice that the people of this country want action to preserve world peace.

The gentleman from Connecticut has never failed to take the House floor to argue for the rights of those Americans who too often find themselves without a voice—the disadvantaged and minorities—when he has felt those rights were being denied.

A man of principle and strong conviction, TOBY MOFFETT's intellectual independence and vitality will be sorely missed here.

I am proud to have served with him, and wish him all the best in the future.●

● Mr. EDWARDS of California. Mr. Speaker, I am most grateful to my colleague GEORGE MILLER for arranging this special order. I would like to take this opportunity to express my deepest appreciation for TOBY MOFFETT, a tough and talented legislator. TOBY MOFFETT has dedicated his entire life to civic and community service. This commitment has been manifested time and time again working with urban street gangs around the country, teaching in Boston's inner-city schools and directing youth programs.

TOBY MOFFETT embodies that all too rare and noble fighter who is so often needed to champion and safeguard our precious natural resources.

TOBY's earnest commitment to social activism, his staunch advocacy of peace and his indefatigable fight for a wise energy policy will not only be sorely missed by this body, but also by this country.

Equally difficult to replace will be TOBY's legislative skills as chair of the Subcommittee on Environment, Energy, and Natural Resources. As a member he has been a sage for our times by persisting to enact a variety of ideas to conserve energy.

As one of this country's leading consumer advocates, TOBY has never been reticent in speaking out. Though he will no longer be with us, his eloquent voice and ideas will continue to exist in this body.

As a good friend of TOBY's, I am very aware of what a positive, energetic, and determined force he has been for consumer advocates and environmentalists. I will deeply miss his indomitable spirit and relentless energy which has inspired many of us seated here.

When TOBY first arrived here 8 years ago he injected some healthy and long needed criticism of this staid body. I hope we can pay TOBY everlasting

tribute by taking advantage of his fair and undeniable constructiveness.

We have not heard the last of TOBY MOFFETT. Even in his defeat TOBY has manifested his courageous spirit. His valiant effort tells us all that we can expect him to be a continuing dynamic force in our society.●

● Mr. BROOKS. Mr. Speaker, I regret very much that TOBY MOFFETT will not be returning as a Member of the 98th Congress next month. He has been a valuable Member of the House of Representatives for the past 8 years, and we will miss his clear, constructive thinking and the articulate expression of his views that have contributed so much to our deliberations.

We on the Government Operations Committee will especially miss TOBY. As chairman of the Environment, Energy, and Natural Resources Subcommittee, he conducted a number of important investigations of nuclear plant safety, ground water contamination and administrative shortcomings in the Department of Energy and the Environmental Protection Agency. He has been an ardent champion of the rights of consumers and has forcefully and effectively opposed those special interests that would exploit them. His efforts in this area have been of great benefit to people across the Nation and they, too, will miss him.

TOBY is still a young man and I am sure that with his strong sense of public service he will continue to make a solid contribution to the general welfare for many years to come. In whatever he endeavors, I wish him well.●

● Ms. OAKAR. Mr. Speaker, as I reflected on the accomplishments of our young colleague, TOBY MOFFETT, I was struck with how much he has accomplished since his 1974 election:

The American Conservation Corps, a youth jobs program which may employ as many as 100,000 of our youngest citizens;

Environmental legislation which attempts to make this world a better place for all of us, regardless of economic background;

Legislation which I term "people legislation," like strong medicaid, social security, and pensions;

Internal rules changes in our great party which help promote Members who have proven their ability to lead and legislate; plus much more.

Of TOBY MOFFETT it can be said that he not only tried, but succeeded.

Mr. Chairman, like myself, TOBY comes from a working class background. He has worked his way up, at one point becoming the head of the Connecticut Citizen Action Group—a group which became a model for similar organizations throughout the country. In Congress he has consistently fought the big oil companies and the administration, trying to prevent deregulation of natural gas because it

would hurt the majority of people while helping a few big companies.

His global vision was extraordinary, so TOBY pushed the nuclear freeze petition and advocated the banning of nerve gas production.

Of TOBY MOFFETT it can not only be said that he "tried, tried very hard" but that he left a legacy which endures.

Good luck, TOBY. And keep it up! We need you!●

● Mr. ROE. Mr. Speaker, I rise today to join my colleagues in paying tribute to TOBY MOFFETT, the able Representative of the people of the Sixth Congressional District of Connecticut for the past 8 years.

TOBY has been a fine Congressman who has dedicated his years here to bettering the lives of all Americans. His dedicated work as chairman of the House Energy Subcommittee on Government Operations has propelled him into the national spotlight as a key spokesman on the highly important issue of energy development.

Though a young man of only 38 years, TOBY MOFFETT's life has been dedicated to the service of others. After graduation from college he took a job teaching in Boston's inner-city schools. During the late 1960's he traveled America trying to increase job opportunities for disadvantaged young people. In fact, TOBY once directed youth programs for the Nixon administration.

When TOBY MOFFETT came to Congress in 1974, he occupied the office next to mine in the Longworth Building. I found him to be a man of incredible energy, eager to learn all there was about how the system worked here and how that power could be utilized to benefit those he was elected to serve.

Mr. Speaker, unfortunately, TOBY MOFFETT will not be serving with us when the new Congress convenes next month. But I am quite sure his name will be included as a Member of the House class of 1984.●

● Mr. DWYER. Mr. Speaker, it is an honor to take part in today's special tribute to TOBY MOFFETT. In only four terms as a Member of this body, he has established himself as one of our most preeminent Members, and he will be missed.

Congressman MOFFETT is among our most energetic and dedicated spokesmen, not only for the people of Connecticut's Sixth District, but for the people of this entire Nation as well.

As a member of the Energy and Commerce Committee and chairman of the Subcommittee on Environment, Energy, and Natural Resources, he has become a leader in areas that are vital to our health and quality of life.

TOBY MOFFETT is a man of ideas, principle, and compassion. I am confident that we will continue to hear a

lot about him as he transfers these attributes into other forums.

I want to thank Congressman MILLER for calling this special order for Congressman MOFFETT, affording us an opportunity to offer our appreciation for the many contributions he has made to our work here and extend our best wishes for what we know will be a bright future.●

● Mr. DELLUMS. Mr. Speaker, I am honored, but also saddened to join with my colleagues tonight in honoring my close friend Mr. TOBY MOFFETT, the fine Representative from Connecticut. I am saddened because the Congress desperately needs decent and principled people like Toby and his absence from the 98th Congress will be a real loss to this institution.

Since coming to Congress with the class of 1974, Toby has been a forthright advocate of people's rights around the world. He has been a strong supporter of human rights both in the United States and abroad and an outspoken opponent of the powerful special economic interests which unfortunately dominate our society to the detriment of the needs of the great majority of Americans. As a member of the Energy and Commerce Committee and as chairman of the Governmental Operations Subcommittee on Environment, Energy, and Natural Resources, Toby has led the fight for a rational and equitable energy policy. He fought for policies to meet the needs of America's people and not the greed of the profit-hungry oil companies.

Over the years, his staff and mine have joined together in many efforts to express our "progressive" perspective. None was quite as successful as the venture known as Little Anthony and the Anti-Imperialists, our combined softball team.

This Congress will miss TOBY MOFFETT and I hope that the 99th Congress will be honored with his presence.●

● Mr. JONES of Oklahoma. Mr. Speaker, there is a standing joke in the House that when one of our Members is elected to the Senate, the intelligence level in both bodies is raised.

Here, unfortunately, is a case where both the House and the Senate are losers.

TOBY MOFFETT has been a superb Representative and he would have made a superb Senator starting next year.

But we are here today to praise TOBY MOFFETT, not to conduct a wake.

First, we should praise TOBY MOFFETT's accomplishments. He has been a fierce advocate of the causes in which he believes. He has won battles and he has lost battles—but he has always been a Congressman who cared, who cared deeply and fought fiercely for what he thought was right.

Second, we should look to TOBY MOFFETT's future. I do not know where he is going right now or where he wants to go in a few years. But you can bet that Connecticut and the United States have not heard the last of TOBY MOFFETT.

Anybody who is still 2½ years short of being 40 years old has a great future ahead. TOBY MOFFETT clearly does.●

□ 1157

SMALL BUSINESS INNOVATION DEVELOPMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LaFALCE) is recognized for 15 minutes.

● Mr. LaFALCE. Mr. Speaker, on June 22, the House overwhelmingly passed H.R. 4326, the Small Business Innovation Development Act. The Senate had passed the measure earlier and the President signed it into law on July 22, 1982.

Since the law's enactment, the Small Business Administration and other agencies have moved rapidly to implement its provisions. The SBA has issued expeditiously the required policy directive for the general conduct of the program throughout the Federal Government. The 10 Federal agencies required to establish small business innovation research programs are moving toward the first solicitations for SBIR proposals. In fact, the first SBIR solicitation will be released by the Department of Energy on December 15, 1982.

Throughout the implementation, one question has arisen repeatedly. I want to take a moment to address this question. Small businesses historically have received a very small share of Federal Government awards and grants for research and development. Precise statistics are not available; however, estimates indicate that only about 4 percent of the Federal R&D budget is awarded to small firms. It is now generally recognized that small high technology firms are the most efficient innovators in our Nation's economy. The low percentage of R&D awards to small firms, together with their innovative and job creation potential, was the driving force behind the enactment of the Small Business Innovation Development Act of 1982.

The act, which is also known, as Public Law 97-219, requires a fixed percentage of the extramural R&D budgets of 10 of the larger Federal agencies to be earmarked for award of research or research and development under SBIR programs. The act also requires the establishment of goals for awards of research and development in agencies having R&D budgets of \$20 million or more under normal pro-

curement or grant procedures, that is, outside the SBIR programs. The act states that awards by agencies to small firms for R&D outside the SBIR programs cannot be counted as part of the fixed percentage reserved for SBIR programs.

The question has arisen—and it is a crucial question indeed—whether SBIR awards can be counted toward achieving the non-SBIR goals of agencies. The answer is clearly no. The intent of the act was to increase R&D awards to small business through the special provisions of SBIR programs. If agencies can count SBIR awards as part of their overall small business R&D awards, the result might very well be a shift from normal small business R&D awards to SBIR awards rather than a net addition as is clearly the congressional intent.

Mr. Speaker, I appreciate the opportunity to comment on this important point of the Small Business Innovation Development Act. I am confident that the act will help unleash the innovative potential of small high technology firms and result in increased innovation, a broader technological base and increased employment in our Nation's troubled economy.

COLUMBIA GAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, today, I sent the following letter to the chairman of the board of the Columbia Gas Pipeline.

All of us who serve in Congress are hearing with increased frequency that the natural gas prices of our constituents are going up at record rates even though there is, at present, a surplus of supply and a decline in demand. That never happens in a free market.

The explanation is that we do not have, and perhaps we never have had, a truly free market in the natural gas industry. It is regulated, overregulated, and reregulated from one end to the other. Of course, I firmly believe that we should have a free market in natural gas; if we did, the city-gate price which the consumer pays would be declining. To establish this free market, competition must replace regulation in every possible instance.

It will be the next Congress, and not this lameduck session, which will have the responsibility to once again tackle natural gas legislation. I do not envy my colleagues who will return. But I do have a few thoughts that I would like to pass along. For this reason, I insert the following letter in the RECORD at this time.

AN OPEN LETTER TO COLUMBIA
PIPELINE,
December 14, 1982.

Mr. W. W. FERRELL,
Chairman, the Columbia Gas Transmission
Co., Wilmington, Del.

DEAR MR. FERRELL: I recently received a copy of your news release entitled "Columbia Transmission Initiates Program to Reduce Gas Costs". Part of me wants to say, "It's about time!". Another part of me wants to congratulate and encourage your efforts.

I wish you had taken this initiative sooner. In March 1982, I testified against your gas purchasing practices at a hearing held in Columbus, Ohio, by the Federal Energy Regulatory Commission on combined Purchased Gas Adjustment requests for 1981 and 1982. Those very P.G.A. requests were bloated by an assortment of high-priced gas contracts.

At the time of the Columbus hearing I called on your company to initiate a program to reduce the city-gate price of gas on your system by reducing your obligations for the most expensive sources of your supplies. This program would have allowed your distributor customers to remain competitive with fuel oil. Your industrial customers would have stayed on your system and stayed on without the subsidy from residential users inherent in the "discount" rate you now request. My proposal came not from my experience as an elected official—as you may have assumed—but from my experience as a businessman.

When demand falls, the first response of any business must be to lower the volume and cost of inventory. To do this, in your industry, requires a downward readjustment in the quantities and price of natural gas contracted supplies. Naturally this requires renegotiation of the price clauses and take-or-pay clauses of contracts. To be effective, you should clear the most expensive inventory first and move on until your average delivered price is competitive. That was the nature of my advice to you this past March; had you accepted it, the consumers on your system—many of whom have no other supplier available—would have less expensive gas service this very winter.

But then, you ignored my advice in 1978 when I predicted that the Natural Gas Policy Act (NGPA) would create these problems. You supported it and Congress passed it; I led the (unsuccessful) opposition.

So the years 1979, 1980, and 1981—when the natural gas contracts which have since proven controversial were signed—were years dominated by the policy and flaws of the NGPA.

The NGPA has a number of fundamental flaws. Perhaps chief among them is that it only gave an incentive to producers to produce the exotic and expensive supplies. Since the price payable for new conventional gas was tightly limited but the price for gas below 15,000 feet was unlimited, producers naturally concentrated on producing the more profitable supplies. Some misguided observers saw this and proclaimed that only the center of the earth contains the very last treasures of methane. The pipelines, or their part, were driven by the motivation to increase your reserves-to-production ratio regardless of the cost. At Columbia, you signed one contract after another at never-before-heard-of prices: I understand that you signed one contract at roughly \$9 per mcf, and obliged your customers to take-or-pay for this gas at 90 percent, even though your own accounts reported a surplus of supply already under contract at the time. By the way, you had better put that contract at the top of your new program to reduce gas costs?

You were by no means alone. Your pipeline brethren were, as one producer described it, waiting in the hall hoping to sign any deal offered. In short, the industry accepted the always false "energy policy" of James ("the end is at hand") Schlesinger and Jimmy (Moral Equivalent of War) Carter: namely, supply is geophysically limited, demand is relentless, and conducting the rationing is the challenge which makes men saints.

When you couldn't buy from the bowels of the earth at \$9, you bought from Canada and Mexico. Neither Canada nor Mexico of course, was any longer willing to foolishly supply us with gas at below market rates as they had done for years. They knew they were the marginal supply—they wanted to be paid accordingly. They wanted a price equivalent to oil! President Carter dispatched his Czar! But the Czar didn't start; the NGPA ("the final solution") was incubating in a bitter congressional conference . . . The Czar didn't want to deal with imported supplies until the deck was cut by Congress. With the NGPA safely in law, the Czar struck the sort of deal that made him so well loved, he okayed a schedule of price increases for Canadian gas that put today's Canadian imports, at \$4.94, and Mexican imports, at \$5.01, substantially above the price of competing fuel oil! And, by the way, the new policy gave the Canadian and Mexican governments the ability to adjust the price unilaterally.

And, the pipelines—yours included—contracted for all they could get.

Well, things didn't turn out the way the NGPA thought they would. Demand does respond to price. It declines. If price doesn't then decline, and even larger surplus developments. (In the energy policy biz, headlines call it a glut.) But the NGPA's rolled-in prices keep rolling on up. And, only now, do you and your pipeline brethren initiate your programs to reduce gas costs.

My political brethren, or many of them at least, are no wiser. In my book, those colleagues in Congress who voted for the NGPA are now witnessing the beauty of their work. Let us now toast the Democratic leadership of the House of Representatives which sheltered this NGPA from the will of the House in procedural trickery on more than one occasion, solely to save the NGPA from the likes of myself and Toby Moffett (and our coalition of bona fide free-market-eers and bona fide price-controllers).

Let us now toast those who call "Freeze!". Because, by my count, many of them voted to create this anomalous situation and evidently want to preserve it forever in a timeless, frozen state. How proud the Freezers must be of their NGPA handiwork to put on ice the many recent record-high Purchased Gas Adjustments of Columbia and all your pipeline brethren. Isn't it an irony that Columbia, and many other pipelines, now want to thaw high prices just as so many elected officials call for a Freeze.

Congress is fundamentally a political place and it cannot be expected to be fertile ground for healthy economic thought, which is precisely why so many errors were made in the construction of the NGPA. I always remind my natural gas consumers that the maximum lawful prices paid to producers were set by Congress, as different dollar amounts were mystically arrived by, an inflation index inserted, and chiseled into posterity by politicians. So I call all expensive natural gas "Congressional Gas". Only by literal Act of (Democratic) Congress is \$9 gas from 15,000 feet able to be

produced and sold, and in great quantities, especially when its value as a fuel is 40-to-60% less. And don't forget about Alaskan gas. It will be one year to the day on December 15 that final approval was given by Congress and the President to force a \$50 billion pipeline project for \$18 gas into the bills of consumers even if it is never completed and used. Thank God the banks still say "no way" even though so many energy "policy-makers" argued that we needed it and need it now.

So Columbia is not solely to blame that such ridiculously expensive gas exists; Congress is. Columbia is to blame for buying it. It was Columbia which ignored the lack of demand already evident on their system and bought it anyway. Perhaps the critical fault was taking the word of "energy policymakers", as if they knew what they were talking about, who said in 1977 that not enough gas would be found at any price to meet likely demand. You are the ones in business, you now know, or ought to, what demand is real and what is merely forecast.

The changes you have experienced this last year are not the result of a "temporary glut". There is no temporary glut. Nor was there in 1977 a geophysical shortage of fossil fuels. Nor does gas from different locations justify different prices. The political energy policymakers who tell you otherwise are the same false prophets who tricked you into this mess: ignore them at all times.

Columbia must change to adapt to this current market because the future of your industry depends upon it. The ups and downs of consumer demand for the product you supply is here to stay. Congress, when it reconvenes in January of 1983, may or may not alter the decontrol schedule of the NGPA. But unless we are to idiotically freeze prices at current unconscionable high levels, decontrol of the wellhead price of gas is necessary and inevitable. It is important to realize that, if done in today's market, immediate decontrol might well reduce the prices consumers pay. It would certainly pressure the pipelines to reverse their recent purchasing practices. From June, 1981, to June, 1982, the average price paid producers increased from \$2.00 an mcf to \$2.29, whereas the average delivered price charged by pipelines increased from \$4.61 to \$5.61. Now something turned that \$.29 into a dollar! With decontrol will come more sensitivity to price complaints by consumers and more conservation. Will the pipeline industry act like businessmen and adapt to prosper in the market or run to Congress or to FERC for protection from a market switching to other fuels to save money?

I am leaving Congress after 17 years in office. So I will not be here for the debate after this winter's prices begin to give Congressmen and Senators the itch to "do something".

Let me advise you to do something yourselves. There are a number of small producers (really farmers, -realtors and such) in the Southeastern Ohio who have contracts to sell you gas at prices up to the NGPA price of \$5.42. (This variety of "Congressional Gas" is known as "Tight Sands".) But for over 150 days you have shut-in their wells, as you continued to take even more expensive gas under your new program to reduce costs. These producers came to Columbia months ago asking to sell their gas to you at a lower price. You still refused to buy and shut them in. They then asked if they could sell their gas to a local industry which can't afford Columbia's NGPA price for gas but you refused to transport it. You told them

the local industry was Columbia's market not theirs, true to the public utility-monopoly theory that has dominated your industry since the 1938 Natural Gas Act. Then—and I'm not making this up—they called a town meeting to ask you to move their gas so they could sell it to the local school district for \$2.50, more than 50% off the NGPA price. But still you refused.

So here's what you should add to your program: find those local producers and those school districts and those industries (if they're still there) and tell them you've changed your mind.

And if Congress does legislate in the 98th Congress, tell them about the bill I left behind, H.R. 7122. It would allow the pipeline industry—for the very first time—to actually earn and retain money for transporting gas owned by producers and ready to be sold to willing buyers. You and I know that the heart of the 1938 Natural Gas Act is the idea of preventing a pipeline from making money by transporting gas without first having to buy it and then resell it even though it cannot earn money on the resale. You and I know that my proposal to pay you \$.05 cents to move shut-in gas to a willing buyer at, in all likely cases a reduced price, is inconsistent with current industry practices. It is, in short, a new idea.

But did you ever stop to think that one of the reasons Business Week called the financial future of your industry bleak is that you still operate as if it were 1938. Your industry's adamant resistance to grasp its own future is one of the latent reasons why anxious but economically confused politicians shout "Freeze" without understanding that they are, thereby, endorsing the very high prices they complain of and that they are, thereby, preventing the competition and conservation of the marketplace from lowering the price the consumer pays.

Tell Congress that you now realize that if only slightly higher prices had been allowed to develop more conventional domestic reserves of gas in 1977, 1978 and 1979, then the delivered price of gas (which the local gas company passes on to consumers) would actually be lower today, even though the prices paid to the producers would be, on average, higher. Tell them the reason is that conventional supplies could have satisfied the thirst of the pipeline at a much lower price than the deep and the exotic and the imported. And these supplies could have come without the "strings attached" of indefinite price escalators which threaten to send the price of what new gas was elicited by the NGPA up to the price of other "Congressional Gas". But the NGPA would never allow you to bid with cash so you and your pipeline brethren offered high "take-or-pay" provisions, so that you were sure you had that gas "signed up" under contract. Tell them you regret it all. Explain to Congress that's why prices are rising to the consumer in a time of surplus and why your current contracts bind you to pay (and pass on) the cost of gas you can't sell because your customers don't need it.

Admit to Congress that your behavior since the 1978 passage of the NGPA is part of the problem—almost as much as the NGPA itself.

I'm writing to you, Columbia, not just because I've criticized you in the past, but also because you were among the many pipelines which bought too much high-priced "Congressional Gas" because you believed all those doom-and-gloom "energy policy makers" in Congress and the Carter Administration in 1977 and 1978. Tell them you

overestimated need and underestimated conservation. Tell them you've now seen the light and you are actually doing something yourselves. Tell Congress you'll change if they will let you.

Do something more. Spread the word.

Sincerely,

CLARENCE J. BROWN,
Ranking Minority Member,
Subcommittee on Fossil
and Synthetic Fuels,
Committee on Energy and Commerce.●

PRESERVING THE NUTRITIONAL INTEGRITY OF WIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 5 minutes.

● Mr. GOODLING. Mr. Speaker, in 1978 the Congress extended the special supplemental food program for women, infants, and children for 4 years and increased its authorization of appropriations funding levels (Public Law 95-627). We also substantially amended the bill to address the content of the prescription foods provided to the high-risk women, infants, and children participating in this important health-nutrition program.

In our deliberations on legislative alternatives, the House Committee on Education and Labor, the authorizing committee, drew heavily upon the expertise and knowledge of two bodies established by the Congress: the Advisory Council on Maternal, Infant and Fetal Nutrition, and the Advisory Committee on Nutrition Education.

As a result of this deliberative process, the committee adopted two changes in the statute which were enacted by the Congress. These changes addressed the prescription food package by refining the definition of "supplemental foods" and requiring that the Secretary prescribe, by regulation, that the supplemental foods package contain appropriate amounts of fat, sugar, and salt. Based upon those changes, the USDA has promulgated regulations (November 17, 1980) which address Congress concerns. Many States have already fully implemented these changes, although they are not required to be implemented nationally until December 31, 1982.

This deliberative process should be continued. Therefore, no one should construe the language in the statement of managers accompanying the Agriculture appropriation conference report on H.R. 7072 which addresses the content of the WIC food package as expressing the consensus of this Congress that USDA should alter the content of the WIC food package regulations scheduled for final implementation on December 31, 1982. Any changes in the package must be consistent with the statute's requirements and address the nutrition-health needs of the WIC program's high-risk participants and promote the long-term objectives of this successful and im-

portant health and nutrition program.●

JOBS, PEACE, AND PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAM J. COYNE) is recognized for 10 minutes.

● Mr. WILLIAM J. COYNE. Mr. Speaker, I rise in strong support of the "Jobs with Peace" resolution introduced by the gentleman from California, Mr. DON EDWARDS.

This resolution would express the sense of the House that more money should be made available for jobs in education, transportation, housing programs, and other productive industries by significantly reducing the amount of tax dollars spent on nuclear weapons, foreign military intervention, and wasteful military programs.

A one-time meeting of a "Jobs with Peace" congressional caucus today laid the groundwork for a congressional strategy to achieve this goal. In the next Congress, the ranks of those who favor a more reasonable military budget will likely grow, so we may make some progress toward the goals of the resolution.

As a Representative from a northeastern industrial State, I certainly hope that this is the case. Studies by the Machinists Union, one of the largest unions in defense-related industries, indicate that large increases in military spending may actually decrease the number of available jobs. In a time of 10.8-percent unemployment, this is a serious contention.

President Dwight D. Eisenhower was aware of this prospect. He noted:

Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.

A recent study by Employment Research Associates of Lansing, Mich., suggests that when military spending goes up, expenditures are foregone in the following categories: Durable goods, nondurable goods, residential and nonresidential construction, services, State and local government, exports and imports, producers' durable equipment, and Federal civil purchases.

This can have a negative effect on States such as Pennsylvania where jobs depend on such economic activities. According to the Michigan study, Pennsylvania ranks fifth among the States in the number of jobs lost as a result of military spending. At this point, I would like to share with my colleagues some of the findings of the Employment Research Associates:

STATES IN ORDER OF NEGATIVE EMPLOYMENT
IMPACT OF MILITARY SPENDING, ANNUAL AVERAGE 1977-78

Number of jobs foregone

1. New York	-288,200
2. Illinois	-160,750
3. Michigan	-139,100
4. Ohio	-131,900
5. Pennsylvania	-112,900
6. New Jersey	-71,950
7. Wisconsin	-71,700
8. Indiana	-64,550
9. Minnesota	-54,550
10. Tennessee	-47,200
11. Florida	-40,150
12. Massachusetts	-39,800
13. Iowa	-38,500
14. Oregon	-37,850
15. Nevada	-24,100
16. Louisiana	-23,350
17. West Virginia	-18,950
18. California	-13,800
19. Arkansas	-12,300
20. Nebraska	-6,200
21. Missouri	-4,500
22. Vermont	-4,250
23. Rhode Island	-3,650
24. Wyoming	-3,050
25. Idaho	-2,850
26. Arizona	-112,850

27. Montana	-2,300
28. Delaware	-1,200
29. South Dakota	-600

Number of jobs gained

1. Kansas	+600
2. New Hampshire	+650
3. Maine	+2,350
4. Alabama	+3,550
5. Connecticut	+3,950
6. North Dakota	+4,450
7. New Mexico	+7,450
8. Utah	+9,350
9. Kentucky	+11,100
10. Colorado	+11,200
11. Texas	+15,450
12. Alaska	+15,750
13. Oklahoma	+16,000
14. Maryland	+17,050
15. Washington	+20,200
16. Georgia	+20,950
17. Mississippi	+23,450
18. N. Carolina	+23,800
19. S. Carolina	+29,200
20. Hawaii	+45,200
21. Virginia	+125,950

Net jobs loss..... 1,015,500

	Number of jobs		Net job gain or loss
	Foregone	Created	
PENNSYLVANIA			
Durable goods	-39,500	+20,750	-18,750
Nondurable goods	-14,650	+1,650	-13,000
Residential construction	-10,400	+3,550	-6,850
Nonresidential construction	-6,900	+350	-6,550
Services	-74,000		-74,000
State and local government	-51,450		-51,450
Military personnel		+57,700	+57,700
Total			-112,900

Source: Employment Research Associates, Lansing, Mich.

Mr. Speaker, on November 2, more than 50 communities in this Nation voted on referenda which dealt with the subject of jobs, military spending, and peace. In the city of Pittsburgh, voters mandated, by nearly a 2-to-1 margin, a yearly report by the mayor on the impact of military spending on the city.

Such findings will prove a useful guide to this Congress as we determine our budget priorities. Spending which does little to enhance our national security while resulting in a net job loss for certain regions of the country will, I am sure, be subject to rigorous scrutiny. I will be joining my colleagues who favor jobs with peace in such a review.●

CONGRESS AND IMMIGRATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, later this week the House is scheduled to consider H.R. 7357, the Immigration Reform and Control Act of 1982.

As one Member observed during my recent appearance before the Rules Committee on this bill, "there is no such thing as a perfect immigration bill." The reason is simple. Immigration has always been a highly emotional and controversial subject and one that directly or indirectly affects the life of every American. I certainly agree that there is no such thing as a perfect immigration bill and H.R. 7357 is no exception.

At the same time, it does represent the best that can be developed. It is fair. It is just and it is balanced.

Its enactment is essential if Congress is to meet its obligation to construct a reasonable and humane immigration policy. If Congress does not act on this urgently needed legislation, it may be subject to a good deal of public criticism for its failure to address an issue of vital concern to the vast majority of American people.

Further, its passage is necessary if we are to protect the jobs of American workers, particularly during this time of record levels of unemployment.

The bill does enjoy widespread support from a variety of diverse organizations and individuals. That list includes the Reagan administration, several national Jewish organizations, the U.S. Catholic Conference, Father Theodore Hesburgh and his Citizens' Committee for Immigration Reform, and numerous ethnic organizations. It is also noteworthy that the past four administrations and the bipartisan Select Commission on Immigration and Refugee Policy endorsed employer sanctions and recommended many of the provisions contained in this bill.

I recognize that the opponents of this legislation are also numerous and that many of the concerns they have expressed are indeed legitimate. However, an analysis of those concerns demonstrates that many, in fact, are addressed by the legislation, while others relate more directly to possible changes that have been proposed or to the Senate version of this legislation.

I would also like to point out that there are certain inherent risks in deferring consideration of this matter until some future time, as some critics of the bill have suggested. I, for one, am deeply concerned by the increasingly hostile attitude toward newly arrived immigrants and refugees, that we have witnessed over the past 2 years.

As a result, I have little hope that the future will bring a better "legislative climate" for debating this type of legislation. Because of my fear that the atmosphere surrounding the immigration issue will grow more restrictionist, I believe the time for enacting meaningful and effective immigration legislation is now.

I wish to insert in the RECORD a letter I received last week from the Attorney General recognizing the importance of the legalization program proposed in this legislation.

In that letter he stated that this country can no longer "tolerate the existence of a hidden foreign people within our borders, living apart from American laws." I certainly agree with his comment and I know he shares my view that the legalization program is an essential part of the legislation that will be debated later this week. Our sense of fairness and decency and the fact that undocumented aliens have contributed to our economic well-being require that we provide this exploitable "shadow population" with the opportunity to be legalized.

I also wish to insert in the RECORD a letter I received last Friday from the Reverend Theodore Hesburgh, president of Notre Dame and cochairperson of the Citizens' Committee for Immigration Reform supporting this legislation. As former Chairman of both the Civil Rights Commission and the Select Commission on Immigration and Refugee Policy, he is eminently qualified to discuss the pending bill.

Father Hesburgh's letter points out quite clearly the need for employer sanctions and a generous legalization program in order to "wipe the slate clean" for undocumented aliens who have "lived in the shadows as an underclass." I hope my colleagues will keep his comments in mind as we debate this important legislation.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., December 9, 1982.

HON. PETER W. RODINO, Jr.,
Chairman, House Judiciary Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you on the eve of the House consideration of H.R. 7357, the Immigration Reform and Control Act of 1982, to underscore the Administration's unwavering support for its passage in the closing days of this session. Few matters before the Congress are of equal importance. Few laws could contribute as much to our nation's future prosperity and security.

I am writing to you also to express my deep concern regarding certain amendments

which may be offered in the course of House consideration of the bill. As I have stated on other occasions, I believe it would be unfortunate were the Congress to undertake at this time significant change of our laws governing the legal admission of immigrants and refugees. The most pressing issues facing us do not concern legal immigration, but accelerating illegal migration and mass asylum. I firmly believe that Congress should concentrate in the few days remaining in this session on these latter problems, which your bill so thoughtfully addresses. For this reason, I strongly urge that consideration of changes in the legal immigration system be deferred for another day.

The Administration also would oppose efforts to eliminate the legalization provisions of the bill. These provisions deal realistically and humanely with the sad fact that more than three million persons entered this country illegally in a time when our immigration laws went unenforced. With the passage of this law, that time of neglect will end. But as a practical matter, we could not now search out and deport all these people, even if we chose to do so. Nor can this great nation long tolerate the existence of a hidden foreign people within our borders, living apart from American laws. The legalization provision of the bill promises an end to this situation. To take it from the bill would undo the essential balance so carefully maintained until now. I recommend that this not be done.

I want to express again my gratitude for your years of work and leadership on behalf of these reforms, and our readiness to do all we can to assist you as the House takes up this important legislation.

Sincerely,

WILLIAM FRENCH SMITH,
Attorney General.

CITIZENS' COMMITTEE
FOR IMMIGRATION REFORM,
Washington, D.C., December 7, 1982.

DEAR FRIEND: The Citizens' Committee for Immigration Reform grew out of the Select Commission on Immigration and Refugee Policy of which I had the honor to serve as chairman for eighteen months. During that time the Commission studied, debated and analyzed the major immigration and refugee issues in public hearings, consultations with experts and through research by noted scholars and Commission staff. As you may know, the Commission recommendations served as the basis for the Simpson-Mazzoli Immigration Reform and Control Act of 1982, which will be considered on the floor of the House during the next few days.

I should like to take this opportunity, along with Gerald Ford, Cyrus Vance, Elliot Richardson, Lane Kirkland and the other members of our Committee, to express our support for the bill. I wish to emphasize, however, that we have serious concerns about several areas in the bill—the numbers of immigrants and refugees to be admitted annually, legalization of undocumented aliens currently in the country and temporary workers.

IMMIGRANT AND REFUGEE NUMBERS

The bill, as passed by the House Judiciary Committee, makes no changes in the current law for legal immigration to the United States. This leaves the principle of family reunification as the cornerstone of U.S. immigration policy, which we wholeheartedly support. Under the terms of the Refugee Act of 1980, refugees are admitted outside of this ceiling on legal immigration after

counseling between the President and Congress.

There may be attempts to amend the bill to place refugees under the same ceiling as immigrants, and I should like to sound a note of caution and concern about the wisdom of this move. Firstly, by putting immigrants and refugees under one ceiling, we would be placing immigrants in direct competition with refugees for scarce visa numbers. This would be divisive nationally. Secondly, such a move would greatly limit the flexibility of our government to respond to crises and emergencies abroad. Thirdly, the humanitarian and human rights values for which we stand as a nation would be seriously questioned and severely limited. We would urge the defeat of such an amendment.

LEGALIZATION AND EMPLOYER SANCTIONS

Our Committee would view any attempt to weaken the legalization and employer sanctions portions of the bill with considerable alarm. As it is, we favor a system of legalization in which all undocumented persons become permanent residents upon coming forward with the proper documentation, with all the rights and benefits of permanent resident aliens. Without a substantial legalization program, we shall oppose the entire bill.

Coupled with the legalization program, as provided in the House Judiciary Committee version of the bill, there should be a non-discriminatory, effective employer sanctions program aimed at all employers who knowingly hire undocumented persons, with civil and criminal penalties for those who break this law. Since in most cases, undocumented persons come to the United States in search of employment, we must close the door to illegal immigrants by cutting off their source of work.

I personally favor a more secure method of identification for work purposes only and support that concept as outlined in the bill, but our Committee feels strongly that it is crucial to implement a legalization program as soon as possible after the date of enactment of this omnibus bill. For too long, undocumented persons have lived in the shadows as an under-class. We must wipe the slate clean and grant a full opportunity for legalization.

TEMPORARY WORKERS

As far as temporary workers are concerned, at present we support the current H-2 (temporary worker) program without any expansion of the provisions, as provided in the House Education and Labor Committee amendments. The Select Commission favored, and we would support, further study of this issue after passage of measures to curb illegal immigration.

The need for a rational, just, humane and race-free immigration and refugee policy is clear and the time for action is at hand. As President Gerald R. Ford said in accepting an invitation to join our Committee, it is important to "convince leaders of all viewpoints . . . that each one has an obligation to be less parochial and more understanding of the national need for a constructive solution . . . the time has come to terminate inflexibility due to uninformed, self-interested or political reasons."

Please don't hesitate to contact the Executive Director of the Citizens' Committee, Nina K. Solarz, at 387-3238 if you have any questions or if you would like any further information. She will be very pleased to assist you or your staff.

With best personal regards.

Sincerely,

REV. THEODORE M. HESBURGH, C.S.C.,
Co-Chairman.

HON. DON MITCHELL

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, I am pleased to join with my colleagues on both sides of the aisle in paying tribute to DON MITCHELL. DON has been a valued member of the Armed Services Committee during his five terms in the House and has served with particular distinction as the ranking minority member of the Subcommittee on Military Personnel and Compensation.

DON MITCHELL is an acknowledged expert in the complex areas of military compensation, retired pay, survivor benefits, personnel management, and the military medical care system. When DON MITCHELL speaks on military personnel matters, he speaks on behalf of the young Navy petty officer enduring long hours, arduous duty and family separation to serve his country's interests in the Indian Ocean and the Army corporal serving an unaccompanied tour of duty along the DMZ in South Korea.

People are DON MITCHELL's forte. He has a deep and abiding personal concern for our Nation's men and women in uniform and for their families as well. DON has repeatedly evidenced that concern through his diligence and leadership on the Military Personnel and Compensation Subcommittee.

In addition to his expertise in military personnel matters, DON MITCHELL has also been an articulate advocate of a strong national defense. The popularity of defense spending is cyclical. One year it is in vogue to speak eloquently on behalf of increased defense spending, but by the next year, the political winds have often shifted. DON MITCHELL believes that national defense should not be the victim of such political expediency, and he has had the courage to stand up and be counted in both good times and bad.

In addition, DON MITCHELL has been the conscience of the Congress on civil defense and has worked long and hard to increase our Nation's commitment to the protection of our own population. He has served the cause of civil defense with singular dedication and deserves our thanks and appreciation.

DON, we wish you and Greta the very best in the years ahead. We will miss you on the Armed Services Committee. You can take great pride in your record of accomplishments.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MONTGOMERY for today on account of the death of a friend.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. NELLIGAN, for 15 minutes, on December 16.

Mr. FRENZEL, for 60 minutes, on December 17.

Mr. DICKINSON, for 60 minutes, today.

Mr. BROWN of Ohio, for 15 minutes, today.

Mr. GOODLING, for 5 minutes, today.

Mr. COLLINS of Texas, for 60 minutes, on December 17.

(The following Members (at the request of Mr. MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WILLIAM J. COYNE, for 10 minutes, today.

Mr. RODINO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RAHALL, during debate on the Simon amendment to House Joint Resolution 631 in the Committee of the Whole today.

Mr. PICKLE, immediately preceding the vote on the Simon amendment to House Joint Resolution 631 in the Committee of the Whole today.

Mr. OTTINGER, during debate on the Simon amendment to House Joint Resolution 631 in the Committee of the Whole today.

Mr. GOLDWATER, just prior to the vote on the Coughlin amendment to House Joint Resolution 631 in the Committee of the Whole today.

Mr. PEPPER, statement to appear before passage of H.R. 7093.

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. GILMAN in two instances.

Mr. NELLIGAN.

Mr. DAUB.

Mr. PHILIP M. CRANE.

Mr. REGULA.

Mr. COURTER.

Mr. PORTER.

Mr. ROBERTS of Kansas.

Mr. FRENZEL in five instances.

Mr. McCLOSKEY.

Mr. PURSELL in two instances.

Mr. DANNEMEYER in three instances.

Mr. DAVIS in two instances.

Mr. HUNTER in two instances.

Mr. CARMAN.

Mr. DERWINSKI in two instances.

Mr. MARTIN of North Carolina.

Mr. COLLINS of Texas in two instances.

Mr. McCLORY.

Mr. TAUKE.

Mr. ROBERT W. DANIEL, JR.

Mr. LAGOMARSINO.

Mr. THOMAS.

Mr. NAPIER.

Mr. HOLLENBECK.

Mr. MOORE.

Mr. BLILEY.

(The following Members (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. GAYDOS in two instances.

Mr. LEVITAS in two instances.

Mr. SKELTON.

Ms. OAKAR.

Mr. RUSSO in two instances.

Mr. PEPPER.

Mr. CONYERS.

Mr. BARNES.

Mr. EDWARDS of California.

Mr. STARK.

Mr. HALL of Ohio.

Mr. ERTEL.

Mr. MOTT.

Mr. RODINO.

Mr. FAUNTROY.

Mr. MILLER of California.

Mr. MATSUI.

Mr. LONG of Maryland.

Mr. DOWNEY.

Mr. BONKER.

Mr. ROE.

SENATE ENROLLED BILLS
SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 764. An act to provide for protection of the John Sack cabin, Targhee National Forest in the State of Idaho;

S. 1444. An act to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes;

S. 1681. An act to designate the southern Nevada water project the "Robert B. Griffith Water Project";

S. 1894. An act to permit Indian tribes to enter into certain agreements for the disposition of tribal mineral resources, and for other purposes;

S. 2034. An act to designate the lock and dam known as the Jones Bluff Lock and Dam, located on the Alabama River, as the "Robert F. Henry Lock and Dam"; and

S. 2710. An act to establish the Charles C. Deam Wilderness in the Hoosier National Forest, Ind.

BILLS AND A JOINT RESOLUTION
PRESENTED TO THE
PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on December 3, 1982 present to the President, for his approval, bills and a joint resolution of the House of the following title:

H.R. 2329. An act conferring jurisdiction on certain courts of the United States to hear and render judgment in connection with certain claims of the Cherokee Nation of Oklahoma;

H.R. 4364. An act to declare that the United States hold in trust for the Pascua Yaqui Tribe of Arizona certain land in Pima County, Ariz.;

H.R. 5553. An act to provide for the use and disposition of Miami Indians judgment funds in dockets 124-B and 254 before the U.S. Court of Claims, and for other purposes;

H.R. 5795. An act to provide for the use and distribution of the funds awarded to the Shawnee Tribe of Indians in dockets 64, 335, and 338 by the Indian Claims Commission and docket 64-A by the U.S. Court of Claims, and for other purposes;

H.R. 6005. An act to discontinue or amend certain requirements for agency reports to Congress;

H.R. 6403. An act to provide for the use and distribution of funds to the Wyandot Tribe of Indians in docket 139 before the Indian Claims Commission and docket 141 before the U.S. Court of Claims, and for other purposes;

H.R. 6417. An act to amend Public Law 96-432 relating to the U.S. Capitol Grounds; and

H.J. Res. 595. Joint resolution designating December 11, 1982, as "Fiorello H. La Guardia Memorial Day."

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly at (12 o'clock and 14 minutes a.m.) the House adjourned until today, Wednesday, December 14, 1982, at 10 a.m.

EXPENDITURE REPORTS CONCERNING
OFFICIAL FOREIGN
TRAVEL

Report of a House committee concerning the foreign currencies and U.S. dollars utilized by it during the third quarter of calendar year 1982 in connection with foreign travel pursuant to Public Law 95-384 is as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1982

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Biaggi, Mario, M.C.	8/21	8/27	Israel		540.00		4,169.00				4,709.00
Breaux, John, M.C.	9/12	9/14	Cayman Islands		^a 130.00		520.00				650.00
Fronville, Claire L.	7/17	7/25	England	375.25	650.00		1,850.00				
						7.50	^a 13.00				2,513.00
Smith, G. Wayne	9/12	9/14	Cayman Islands		^a 130.00		520.00				650.00
Westcott, Jacquelyn M.	7/17	7/25	England	374.84	650.00		1,423.00				
						7.50	^a 13.00				2,086.00
Committee total					2,100.00		8,508.00				10,608.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

^a No Embassy. After trip State Department issued check to traveler for expenses. 2 nights lodging equals \$80; 2 days food equals \$50.

^b Train, Brighton/London.

WALTER B. JONES, Chairman, Dec. 2, 1982.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5289. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting a report on negotiated contracts for experimental, developmental, test, or research work, or for industrial mobilization in the interest of the national defense, covering the period April 1982 through September 1982, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

5290. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the supply support function at the Naval Shipyard, Philadelphia, Pa., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5291. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the night shelf stocking function at the Navy Commissary Store, Little Creek, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5292. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the motor vehicle operation motor vehicle maintenance function at the Naval Air Station, Key West, Fla., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5293. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the Navy Commissary Store, Portsmouth, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5294. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the night shelf stocking function at the Navy Commissary Store, Yorktown, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5295. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-262, "Closing of a Public Alley in Square N-699 Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5296. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5297. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting a report on a new record system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5298. A letter from the Comptroller General of the United States, transmitting a report on block grants for housing (GAO/RCED-83-21, December 13, 1982); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

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. STOKES: Committee on Standards of Official Conduct. Report on Investigation Pursuant to House Resolution 518 (Rept. No. 97-965). Referred to the House Calendar.

Mr. BEILSON: Committee on Rules. House Resolution 628. A resolution providing for the consideration of S. 1964, a bill to designate certain lands in the Mark Twain National Forest, Mo., which comprise about 17,562 acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System. (Rept. No. 97-966). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 621. A resolution amending the Rules of the House of Representatives to establish an office for the Bicentennial of the House of Representatives (Rept. No. 97-967). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 7414. A bill to transfer management of the national defense stockpile to the Secretary of Defense; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 7415. A bill to amend the Higher Education Act of 1965 to promote the matching of lists of defaulting borrowers of student loans with lists of public employees; to the Committee on Education and Labor.

By Mr. CONYERS:

H.R. 7416. A bill to protect the rights of individuals guaranteed by the Constitution of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of polygraph equipment for certain purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. GILMAN:

H.R. 7417. A bill to repeal the withholding on interest and dividends enacted by the Tax Equity and Fiscal Responsibility Act of 1982; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 7418. A bill to amend the Internal Revenue Code of 1954 to double the investment tax credit for American-made automobiles and certain light-duty trucks and to provide that the investment tax credit shall not be recaptured with respect to such vehicles by reason of any disposition, et cetera, after the second year of use; to the Committee on Ways and Means.

By Mr. WILLIAMS of Ohio:

H.R. 7419. A bill to increase the number of weeks for which benefits are payable under the Federal Supplemental Compensation Act of 1982, and for other purposes; to the Committee on Ways and Means.

By Mr. WRIGHT (for himself, Mr. MICHEL, Mr. HOWARD, Mr. ROE, and Mr. HAMMERSCHMIDT):

H.R. 7420. A bill to name the fish hatchery at the Warm Springs Dam component of the Russian River, Dry Creek, Calif., project as the Don H. Clausen Fish Hatchery; to the Committee on Public Works and Transportation.

By Mr. SHARP:

H.R. 7421. A bill to suspend the final decision of the Federal Communications Commission in Docket No. 20868 (second computer inquiry) to the extent it prohibits the provision, installation, and maintenance of telephones and other customer-premises equipment by regulated communications carriers; to the Committee on Energy and Commerce.

By Mr. BONKER (for himself, Mr. LEACH of Iowa, Mr. GEJDENSON, Mr. ROSENTHAL, Mrs. FENWICK, Mr. PORTER, Mr. PRITCHARD, Mr. BARNES, Mr. DYMALLY, Mr. BINGHAM, Mr. LAGOMARSINO, Mr. WOLFE, Mr. SOLARZ, Mr. LANTOS, Mr. GILMAN, Mr. FASCELL, and Mr. YATRON):

H. Con. Res. 434. Concurrent resolution condemning all forms of religious persecution and discrimination as a violation of human rights; to the Committee on Foreign Affairs.

By Mr. EDWARDS of California (for himself, Mr. ADDABO, Mr. ASPIN, Mr. AUCOIN, Mr. BARNES, Mr. PHILIP BURTON, Mr. CLAY, Mr. CONYERS, Mr. WILLIAM J. COYNE, Mr. CROCKETT, Mr. DELLUMS, Mr. DYMALLY, Mr. EARLY, Mr. EDGAR, Mr. FORD of Michigan, Mr. FOWLER, Mr. FRANK, Mr. GRAY, Mr. HOYER, Mr. KASTENMEIER, Mr. KOGOVSEK, Mr. LEACH of Iowa, Mr. LELAND, Mr. MARKEY, Mr. MATSUI, Mr. MAVROULES, Ms. MIKULSKI, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. OBERSTAR, Mr. OTTINGER, Mr. PANETTA, Mr. PEASE, Mr. RANGEL, Mr. REUSS, Mr. RODINO, Mr. ROSENTHAL, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SHANNON, Mr. SIMON, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. WALGREN, Mr. WASHINGTON, Mr. WEAVER, Mr. WEISS, Mr. WIRTH, and Mr. WOLFE):

H. Res. 627. Resolution expressing the sense of the House in support of a call for jobs with peace; jointly, to the Committees on Armed Services, Foreign Affairs, and Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

518. The SPEAKER presented a memorial of the voters of the State of Montana, relative to opposition to the placement of MX missiles in Montana; jointly, to the Committees on Armed Services and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5571: Mr. GOODLING, Mr. ALBOSTA, Mr. BAILEY of Pennsylvania, Mr. WON PAT, Mr. ROE, Mr. BAFALIS, Mr. DUNCAN, Mr. PORTER, and Mr. BURGNER.

H.R. 5616: Mr. MOTT, Mr. EVANS of Georgia, Mr. GOODLING, Mr. WILSON, Mr. HOWARD, Mr. NICHOLS, Mr. BAILEY of Pennsylvania, and Mr. ATKINSON.

H.R. 6009: Mr. EDWARDS of Oklahoma.

H.R. 6115: Mr. SCHEUER.

H.R. 6975: Mr. PEPPER.

H.R. 7014: Mr. EDWARDS of California, Mr. FASCELL, Mr. NOWAK, Mr. SHAMANSKY, and Mr. UDALL.

H.R. 7106: Mr. MOTT, Mrs. BOGGS, Mr. SHELBY, Mr. AKAKA, Mr. DOWNEY, and Mr. MARLENEE.

H.R. 7178: Mr. HUGHES and Mr. TAUKE.

H.R. 7309: Mr. NATCHER, Mr. ALEXANDER, Mr. ANNUNZIO, Mr. FOGLIETTA, Mr. MATSUI, Mr. LAFALCE, Mr. MCCURDY, Mr. SPENCE, Mr. MORRISON, Mr. SHARP, and Mr. MINISH.

H.R. 7314: Mr. HORTON.

H.R. 7321: Mr. APPELGADE, Mr. HARTNETT, Mr. KINDNESS, Mr. CLINGER, Mr. WEBER of Minnesota, Mr. STENHOLM, Mr. DE LUGO, and Mr. YATRON.

H.R. 7337: Mr. SHAMANSKY, Mr. CORRADA, Ms. OAKAR, Mr. FORD of Tennessee, Ms. MIKULSKI, and Mrs. HALL of Indiana.

H.R. 7373: Mr. GILMAN, Mr. STUDDS, and Mr. CONYERS.

H.R. 7386: Mrs. FENWICK and Mrs. HALL of Indiana.

H.J. Res. 459: Mr. BUTLER, Mr. STUMP, and Mr. CONTE.

H.J. Res. 585: Mr. SAM B. HALL, JR., Mr. CARNEY, Mr. DYMALLY, Mr. SOLARZ, Mrs. KENNELLY, Mr. WILSON, Mr. DOWDY, Mr. FRENZEL, and Mr. KOGOVSEK.

H.J. Res. 590: Mr. SIMON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

675. By the SPEAKER: Petition of H.F. Kimmel, relative to the Constitution of the United States; to the Committee on the Judiciary.

676. Also, petition of the Burbank City Council, Burbank, Calif., relative to an investment tax credit on American-made automobiles; to the Committee on Ways and Means.

677. Also, petition of the Metal Trades Department, AFL-CIO, relative to redress of a grievance on behalf of American shipyard workers; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5133

By Mr. GRAMM:

—Page 14, redesignate section 7 as section 8, and insert after line 11 the following new section:

SEC. 7. WAIVER.

Sections 4 and 5 shall not apply in any calendar month to any vehicle manufacturer located in a foreign country if the Secretary of the Treasury determines that in that month such country had in effect restrictions (including tariffs and quotas) on imports of motor vehicles and automotive products into such country not more stringent than those applicable on the day before the date of the enactment of this Act to imports into the United States of motor vehicles and automotive products.

Page 15, redesignate section 8 as section 9.

By Mr. BETHUNE:

—On, page 9, after line 12 insert the following:

"(c) This section shall not apply unless the United States Trade Representative determines that its implementation shall not

cause the United States to be in violation of the General Agreements on Tariffs and Trade."

S. 1964

By Mr. EMERSON:

—Strike all after the enacting clause and insert the following:

That this Act may be known as the Irish Wilderness Act of 1981.

SEC. 2. In furtherance of the purposes of the Wilderness Act (78 Stat. 890) and the Act of January 3, 1975 (88 Stat. 2096), the following area as generally depicted on a map appropriately referenced, dated December 1981, is hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, certain lands in the Mark Twain National Forest, Missouri, which comprise about seventeen thousand five hundred and sixty-two acres, are generally depicted on a map entitled "Irish Wilderness", dated December 1981, and shall be known as the Irish Wilderness.

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Irish Wilderness area with the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 4. The area designated as wilderness by this Act shall be administered in accordance with the applicable provisions of the Wilderness Act (78 Stat. 890) and the Act of January 3, 1975 (88 Stat. 2096), except that any reference in such provisions to the effective date of such Acts shall be deemed to be a reference to the effective date of this Act.

SEC. 5. (a) Notwithstanding any other provision of law, section 4(d)(3) of the Wilderness Act of 1964 shall remain in full force and effect until December 31, 1993, notwithstanding the expiration dates therein, with respect to deposits of lead, zinc, iron and associated minerals capable of being mined by underground methods in the lands described in section 2 of this Act.

(b) The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall process any application for a prospecting permit or lease and made a final administrative decision on its issuance within 90 days from the date such application is filed. If the Secretary approves the issuance of a prospecting permit or a lease or of any operations thereunder, any appeal of that decision, whether administrative or judicial, which delays the issuance of such permit or lease or operations thereunder, will extend the 1993 deadline with respect to that permit or lease by the period of time such issuance or operations are delayed thereby.

(c) The Secretary of Agriculture and the Secretary of Interior shall provide for economic and practicable ingress and egress in accordance with reasonable regulations which they may prescribe, compatible with preservation of the wilderness environment.