HOUSE OF REPRESENTATIVES—*Tuesday, October 4, 1983*

The House met at 12 noon.

The Reverend Dr. Ernst G. Schmidt, Gloria Dei Lutheran Church, Huntingdon Valley, Pa., offered the following prayer:

Almighty Creator God, help us to realize the uniqueness of this country. We have the responsibility and privilege of governing ourselves with a freedom which is the envy of millions.

We are in this hallowed Hall today because there have been those who dared to treasure truth and liberty above self.

Lord, You know how hard it is for us at times—so many pressures, ideas, and interest groups pull and push us. Starch our backbones, Father, so we remain true to our convictions. Enable us to leave these Chambers every day with our heads held high and feeling good because we have been true to our people's trust and have given our best.

In the name of Jesus who has given us the prime example we pray. Amen.

THE JOURNAL

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

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

Mr. DREIER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. DREIER of California. 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 339, nays 23, answered "present" 8, not voting 63, as follows:

[Roll No. 376]

YEAS—339

Ackerman	Archer	Berman	Boner	Gray	McCandless	Smith (NE)	Tauke	Wheat
Addabbo	AuCoin	Bethune	Bonior	Green	McCloskey	Smith (NJ)	Tauzin	Whitley
Akaka	Barnard	Bevill	Bonker	Gregg	McCollum	Smith, Robert	Taylor	Whittaker
Albosta	Barnes	Biaggi	Borski	Guarini	McCurdy	Snyder	Thomas (GA)	Whitten
Alexander	Bateman	Bilirakis	Bosco	Gunderson	McEwen	Solomon	Torres	Williams (MT)
Anderson	Bedell	Bliley	Boucher	Hall (IN)	McHugh	Spence	Torricelli	Williams (OH)
Andrews (TX)	Bellenson	Boehlert	Boxer	Hall, Ralph	McKinney	Spratt	Towns	Wilson
Annunzio	Bennett	Boggs	Breaux	Hall, Sam	Mica	Staggers	Udall	Winn
Anthony	Bereuter	Boland	Britt	Hamilton	Mikulski	Stangeland	Valentine	Wirth
			Broomfield	Hammerschmidt	Mineta	Stark	Vander Jagt	Wise
			Brown (CA)	Hance	Minish	Stenholm	Vandergriff	Wolf
			Brown (CO)	Hansen (UT)	Moakley	Stokes	Vento	Wolpe
			Broyhill	Harrison	Molinari	Stratton	Volkmer	Wortley
			Bryant	Hartnett	Mollohan	Studds	Vucanovich	Wright
			Burton (IN)	Hatcher	Montgomery	Stump	Walgren	Wyden
			Campbell	Hawkins	Moore	Sundquist	Waxman	Wylie
			Carney	Hayes	Moorhead	Swift	Weaver	Yatron
			Carper	Hefner	Morrison (CT)	Synar	Weber	Young (MO)
			Carr	Hertel	Mrazek	Tallon	Weiss	Zschau
			Chandler	Hightower	Myers			
			Chappell	Hillis	Natcher			
			Chappie	Holt	Nelson			
			Cheney	Hopkins	Nichols			
			Clarke	Horton	Nielson			
			Clinger	Howard	Oakar			
			Coats	Hubbard	Obey			
			Coelho	Huckaby	Olin			
			Coleman (MO)	Hughes	Owens			
			Coleman (TX)	Hutto	Oxley			
			Collins	Hyde	Packard			
			Conable	Jeffords	Panetta			
			Conte	Jenkins	Parris			
			Cooper	Johnson	Pashayan			
			Courter	Jones (NC)	Patman			
			Coyne	Jones (OK)	Patterson			
			Craig	Jones (TN)	Paul			
			Crane, Daniel	Kaptur	Pease			
			Crane, Philip	Kasich	Penny			
			Daniel	Kastenmeier	Perkins			
			Dannemeyer	Kazen	Petri			
			Daub	Kemp	Pickle			
			Davis	Kildee	Porter			
			Dellums	Kindness	Price			
			Derrick	Kogovsek	Quillen			
			DeWine	Kolter	Rahall			
			Dixon	Kostmayer	Rangel			
			Donnelly	Kramer	Ratchford			
			Dorgan	LaFalce	Ray			
			Dowdy	Lagomarsino	Regula			
			Downey	Lantos	Reid			
			Dreier	Latta	Richardson			
			Duncan	Leach	Ridge			
			Dwyer	Leath	Rinaldo			
			Dyson	Lehman (CA)	Ritter			
			Early	Lehman (FL)	Robinson			
			Eckart	Leland	Rodino			
			Edgar	Lent	Rogers			
			Edwards (CA)	Levin	Rostenkowski			
			English	Levine	Roth			
			Erdreich	Lewis (CA)	Roukema			
			Evans (IL)	Lewis (FL)	Rowland			
			Feighan	Livingston	Rudd			
			Ferraro	Lloyd	Russo			
			Fiedler	Loeffler	Sawyer			
			Fish	Long (LA)	Schaefer			
			Flippo	Long (MD)	Scheuer			
			Florio	Lott	Schneider			
			Foglietta	Lowery (CA)	Schulze			
			Fowler	Lujan	Schumer			
			Frank	Luken	Seiberling			
			Franklin	Lundine	Sensenbrenner			
			Frenzel	Lungren	Shannon			
			Frost	Mack	Sharp			
			Fuqua	MacKay	Shaw			
			Garcia	Madigan	Shelby			
			Gaydos	Markey	Shumway			
			Gephardt	Marlenee	Shuster			
			Gibbons	Marriott	Siljander			
			Gilman	Martin (NC)	Simon			
			Gingrich	Martin (NY)	Sisisky			
			Glickman	Martinez	Skeen			
			Gonzalez	Matsui	Skelton			
			Gore	Mavroules	Slattery			
			Gradison	Mazzoli	Smith (FL)			
			Gramm	McCain	Smith (IA)			

NAYS—23

Clay	Hiler	Schroeder
Coughlin	Jacobs	Sikorski
Durbin	Lipinski	Smith, Denny
Evans (IA)	Miller (OH)	Traxler
Fields	Mitchell	Walker
Forsythe	Roberts	Yates
Gejdenson	Roemer	Young (AK)
Harkin	Sabo	

ANSWERED "PRESENT"—8

Dymally	Ottinger	St Germain
Murphy	Roybal	Thomas (CA)
Oberstar	Savage	

NOT VOTING—63

Andrews (NC)	Erlenborn	McNulty
Applegate	Fascell	Michel
Aspin	Fazio	Miller (CA)
Badham	Foley	Moody
Bartlett	Ford (MI)	Morrison (WA)
Bates	Ford (TN)	Murtha
Brooks	Gekas	Neal
Burton (CA)	Goodling	Nowak
Byron	Hall (OH)	O'Brien
Conyers	Hansen (ID)	Ortiz
Corcoran	Heftel	Pepper
Crockett	Hoyer	Pritchard
D'Amours	Hunter	Pursell
Daschle	Ireland	Roe
de la Garza	Kennelly	Rose
Dickinson	Levitas	Snowe
Dicks	Lowry (WA)	Solarz
Dingell	Martin (IL)	Watkins
Edwards (AL)	McDade	Whitehurst
Edwards (OK)	McGrath	Young (FL)
Emerson	McKernan	Zablocki

□ 1210

Mr. BONKER changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

□ 1220

THE REVEREND ERNST SCHMIDT

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

Mr. KOSTMAYER. Mr. Speaker, I am pleased to welcome on behalf of our colleagues the Reverend Ernst Schmidt, pastor of Gloria Dei Lutheran Church in Huntingdon Valley, Pa.

Reverend Schmidt founded Gloria Dei Church some 27 years ago. At that time services were held in a small firehouse. Now Gloria Dei has expanded to over 3,000 members.

Reverend Schmidt preaches a positive philosophy revolving around a concept of a friendship with Christ. He gives his church members a good feeling about themselves as people and this is reflected in the positive feeling that the community has about Gloria Dei.

Gloria Dei is particularly noted for its concern with elderly citizens and is responsible for the construction of three residential facilities for the elderly. In this way Gloria Dei is responding to the needs of its community.

Reverend Schmidt is a graduate of Whittenberg University, has studied at the Lutheran Theologian Seminary in Philadelphia and received his doctorate at Muhlenberg University in Allentown. His father was also a pastor in Philadelphia, and I am happy to welcome Reverend Schmidt and the 100 members of Gloria Dei who have joined us here today.

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

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit today during the 5-minute rule.

Mr. Speaker, I have cleared this with the minority.

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

There was no objection.

WHITE HOUSE SHOULD DISCLAIM AND APOLOGIZE FOR SHAMEFUL TACTICS

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

Mr. ANDREWS of Texas. Mr. Speaker, when the IMF bill came before this House several weeks ago, I voted for it. I also voted for an amendment offered by the gentleman from Texas (Mr. GRAMM). That amendment was opposed by leaders on both sides of the aisle, and 20 of my Democratic colleagues voted against it. Now those 20 Democrats, who in this instance voted with the House's Republican leadership, have been subjected by the Republican National Committee to vicious attacks in their home districts, calling their patriotism into question. The Republicans who opposed Mr. GRAMM's amendment have suffered no such fate.

Mr. Speaker, there is no place in this House for this kind of shameful politics. Like me, many of my freshman Democratic colleagues supported this legislation against a great deal of popular opinion back home. We supported it because we believed it was a prudent and necessary response to the worldwide financial crisis. Even so, a majority of freshman Democrats will withdraw our support unless the White House disclaims this kind of tactic and apologizes publicly to all our colleagues who were so unfairly maligned.

ASSESSING PLIGHT OF SOVIET JEWRY IN THE WAKE OF KAL 007

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

Mr. ADDABBO. Mr. Speaker, over the past few years, we have witnessed an alarming drop in the number of Jews emigrating from the Soviet Union, and felt the frustration of trying to help. Numerous accounts from refuseniks and prisoners of conscience give us a glimpse of how seriously the situation has deteriorated. The long and arduous application process, coupled with surveillance, harassment, loss of job and status, and the threat of eventual imprisonment paints a grim picture for Jews trying to emigrate. Their courage is uplifting, their plight, agonizing.

Now, in the wake of severe setbacks in United States-Soviet relations, it is more important than ever to continue to speak out for individuals held in Russia against their will. Only by unceasingly impressing our views on this point to the Soviet leadership can we hope to help even a few escape religious persecution.

We must continue the pressure at this level, and explore new ideas and methods. We may never know which actions help the most, so we must barrage the Soviet leadership from as many directions as possible.

During this tense period, we must do our utmost not to allow Soviet Jews to become pawns in the game of politics and diplomacy. Through our actions, we must make clear that our opposition to Soviet policy is steadfast, and that further persecution will only strengthen our determination. Any lag in our support could give the Soviets an excuse to tighten emigration restrictions further. Our responsibility is immense, but the cost in human suffering here is too great to let emotions over the airline incident sway our judgment at the risk of baiting the Russians into harsher policies.

SUPPORT FOR RESTORED FUNDING FOR OFFICE OF SPECIAL INVESTIGATIONS

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

Mr. BIAGGI. Mr. Speaker, in the near future, the House is expected to complete action on H.R. 2912, the Department of Justice Authorization Act for fiscal year 1984.

I support this legislation for a variety of reasons. However, one of the most important is the bill's restoration of some $77,000 cut from the budget of the Office of Special Investigations in the Department of Justice. This is the Office responsible for the investigation, apprehension, and prosecution of suspected Nazi war criminals living in the United States.

The administration proposed this reduction notwithstanding the fact that the Office litigation has increased significantly in the past 2 years. Almost three times as many cases have been filed with the Office than were before it in 1981. In addition, there are some 267 investigatory cases pending in the Office with over 100 of them just referred in the past year. The Office has been successful in expediting proceedings on these cases through prosecutions and in some cases deportations.

This is not the time to reduce funding for the only office vested with the specific responsibility of tracking down Nazi war criminals who have taken refuge in this Nation. We have a tragic 35 year record of inaction on the Nazi war criminal problem which should not be exacerbated by cutting funds for that Office which is beginning to do this important work.

Let us never forget what heinous crimes the Nazi's committed against Jewish people and above all let us not allow these criminals to avoid prosecution. The United States should not be a haven for harboring Nazi war criminals—it should be the leader in the crusade to bring them to justice.

NATION CANNOT AFFORD TREMENDOUS EXPENSE OF SIMPSON-MAZZOLI BILL

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

Mr. ROYBAL. Mr. Speaker, on October 18 the House Committee on Rules

will consider the Simpson-Mazzoli bill. That committee must grant an open rule and permit all amendments including those proposed by the administration.

In their letter of July 27 the administration revealed for the first time that Simpson-Mazzoli will cost for the first year alone, $1,576 million and not $200 million as authorized by the bill. This amount will increase to $11,530 million by 1988 and does not include the cost of reimbursement to the States, enforcement of sanctions nor the reduction of immigration backlog.

Mr. Speaker, enough is enough. The Nation cannot afford the tremendous expense of the Simpson-Mazzoli bill.

PRESIDENT MAKES RIGHT CHOICE RE PHILIPPINES VISIT

(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, rarely do I agree with President Reagan on matters of foreign policy. However, I congratulate him for his decision, announced yesterday, not to visit the Philippines in November. Although the President's official reason for the cancellation is likely congressional action on spending bills in November, administration sources have indicated that the instability of the Marcos Government, the recent assassination of prominent opposition figure Benigno Aquino, and domestic opposition to the visit were the real reasons the trip was called off.

I am pleased that the President has made such a thoughtful decision. Many of us in Congress have long asked whether uncritical, unconditional support of the Marcos regime is in the long-term interest of the United States. On September 1, I joined 45 other House Members in calling on the President to cancel his visit because of the Aquino murder. We wrote at that time:

> We remain concerned that the Aquino assassination and President Marcos' approach to its investigation is symptomatic of an overall policy to limit the democratic opposition in the Philippines, suspend human rights, and abrogate political and civil liberties.

Mr. Speaker, the President has made the right choice. He should take this opportunity to review the human rights situation in the Philippines, reaffirm our commitment to uncover the facts about the Aquino case, and address the uses of U.S. security assistance to the Philippines.

A CRACK IN THE CUP OF FREEDOM—BANNING HANDGUNS IN PRIVATE HOMES

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

Mr. DERRICK. Mr. Speaker, today there is a crack in our cup of freedom.

It was put there by the Supreme Court's decision not to hear a case opposing the ban of handguns in private homes.

We have come many generations away from the oppression that drove our forefathers to these shores. They understood that gun control is a seed of dictatorship.

Each freedom carries inherent dangers—with freedom of religion, we must coexist with bizarre cults; with free speech, we must allow room for ideas contrary to the very freedom which allows such discussion; with the right of assembly comes the threat of violence—and so it is with the right to bear arms. But the right to protect one's own life and domain is a precious right that we must zealously guard. The criminal giants are inevitable; our concern is for the Davids of the world.

I urge you to join with me to see that this freedom is quickly mended.

□ 1230

NATIONAL SUMMIT CONFERENCE ON EDUCATION

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

Mr. WILLIAMS of Montana. Mr. Speaker, yesterday the House passed and sent to the Senate the legislation to create a National Summit Conference on Education.

This bipartisan effort, signed by 120 of my colleagues, creates a structured working group. Individuals representing education, business, labor, parents, students, and others, will be selected by a bipartisan committee.

A specific agenda will be put in place and the outcome of the regional meetings and the conference will be evaluated to determine its effect. It is not a study; it is not a commission.

It is a mechanism to avoid a costly rush to judgment on education. It is a mechanism to provide a way in which to include Americans in the discussions of their system of education. It is, I believe, a strategy for success.

I am very encouraged with the bipartisan support we have received and I am equally encouraged by the support that we have received on this legislation from all of the leading education groups, including the NEA, the AFT, and the PTA.

I appreciate the full support of the U.S. Chamber of Commerce and the AFL-CIO.

I ask my colleagues to encourage the Senate and the administration to support our bipartisan efforts here in the House to create a National Summit Conference on Education.

MARTIN LUTHER KING BIRTHDAY BILL

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

Mr. FOGLIETTA. Mr. Speaker, yesterday, voices were heard which attacked the value of designating the birthday of the late Rev. Dr. Martin Luther King, Jr., a national holiday. Those voices brought discredit upon the Congress, and questioned the integrity of the House, which 2 months ago passed legislation which would establish Dr. King's birthday as a national holiday.

Mr. Speaker, political cheap shots are not unusual. They are particularly prevalent when someone who seeks to prevent legitimate actions is incapable of presenting a valid argument against that action. Such is the case with these voices, which hide behind a cloak of morality when they attack the freedoms which the Constitution guarantees, and who label anyone with whom they disagree an "action-oriented Communist," or a Communist sympathizer given to Marxist/Leninist leanings. Martin Luther King was the finest spokesman for democracy this Nation has seen in the 20th century. He sought, through peace, to bring America to realize the hypocrisy we practiced by holding up the words of Thomas Jefferson as our credo around the world, when we could not bring ourselves to practice what we so stridently, and moralistically preached. If "we hold these truths to be self-evident, that all men are created equal," is what this Nation truly believes, then there can be no more important act than to finally recognize this man who fought and died for those words, and to appreciate that this holiday is more than a commemoration of Dr. King, it is an affirmation of all this Nation stands for.

If these other voices, voices which occupy high federally elected posts, can confuse a movement devoted to the very foundation of American values with communism, then it is little wonder that they can callously dismiss the views of millions of Americans with a wave of the hand, a shrug of the shoulder, and a remark like, "I'm not going to get a black vote, period." Mr. Speaker, I address the House today out of the conviction that the men and women of the Congress are elected to represent the people in their States and districts, not the special interests which distort the values we claim to hold dear.

Those who condemn Martin Luther King for his views are right on one subject—he did oppose the Vietnam war. Dr. King was a practitioner of nonviolence; it made no sense for him to do anything else. He believed in the right of self determination—the essen-

tial tenet of democracy. That did not make him a Communist. Indeed, it was Dr. King who said:

Communism and Christianity are fundamentally incompatible. A christian cannot be a true Communist. Under communism, the individuals soul is shackled by the chains of conformity. His spirit is bound by the manacles of party allegiance. He is stripped of both conscience and reason. Communism will never be defeated by the use of atomic bombs or nuclear weapons. Our greatest defense against communism is to take offensive action of behalf of justice and righteousness.

If we accept the challenges with devotion and valor, the bells of history will toll for communism and we shall make the world safe for democracy and secure for the people of Christ.

Mr. Speaker, those other voices which screech so loudly against this "Communist," could learn a great deal from Martin Luther King.

THE DR. MARTIN LUTHER KING, JR., HOLIDAY BILL

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

Mr. GRAY. Mr. Speaker, voices have been heard at the national level opposing a bill to honor the memory of Dr. Martin Luther King, Jr., with a national holiday by declaring that Dr. King espoused Marxism.

It is indeed a shoddy and sordid argument, reminiscent of the ugly hate-filled era that spawned Dr. King's great nonviolent movement.

Additionally, it ironically occurred the same day that the White House was sending signals through aides that the President was leaning toward endorsing the King holiday bill, which was passed overwhelmingly by this House more than 2 months ago.

Mr. Speaker, I stand before you and my colleagues to insist that President Reagan stop lurking in the shadows on this issue. It is time that our Chief Executive, who has been called the Great Communicator, to step into the forefront, and publicly announce his position on a national holiday for the man whose leadership and courage to the ideal of human equality created a nonviolent movement that eventually struck down some of our Nation's most discriminatory laws.

If White House aides are to remain credible and if we are to believe that this Nation has truly moved a step closer to sharing the American dream with all its citizens, regardless of race, creed, or color, then it is time that our Chief Executive use his influence to end this cheap and disgraceful attempt to resurrect the Red scare tactics of a past era.

Mr. President, if you really want the King bill to become law, you should not leave it to your aides to tell us. You should tell the American people.

Mr. President, the next move is up to you.

You can show us that the ideals for which Reverend King was slain—peace, compassion, and brotherhood—are still alive and well.

Thank you.

TRANSPORTATION APPROPRIATIONS SUBCOMMITTEE TO HOLD HEARINGS ON FAA FACILITY CLOSURES

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

Mr. LEHMAN of Florida. Mr. Speaker, section 319 of the Department of Transportation and related agencies Appropriations Act, 1984 (Public Law 98-78) required the Federal Aviation Administration to submit a detailed, site-specific and time-phased plan for all facility closures or consolidations over the next 3 years. That plan has been submitted to our subcommittee. Any Members may receive a copy by calling the FAA. In summary, the plan calls for closing 104 flight service stations, 52 control towers, and 16 other facilities. A total of 41 new facilities will be opened, including 37 flight service stations.

Section 319 of Public Law 98-78 prohibits FAA from closing any facilities prior to December 1, 1983, and provides that any closure or consolidation questioned in writing by the House or Senate Committees on Appropriations or by any legislative committee of jurisdiction shall be delayed until at least April 15, 1984.

In order to permit a timely response to the FAA plan, our Transportation Appropriations Subcommittee plans to hold a hearing on Tuesday, October 25, 1983, with FAA Administrator Helms and any interested colleagues or organizations.

SOVIETS SHOULD RELEASE ONE PRISONER OF CONSCIENCE FOR EACH LIFE LOST ON FLIGHT 007

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, nothing can replace the lives lost in the tragic 007 Korean airliner incident. That is a simple statement of fact.

However, I am today proposing along with several of our colleagues, an idea which we hope will lead to a lessening of world tensions if the Soviet Union acts favorably.

We are proposing that for each life lost on the jetliner, the Soviet Union release one prisoner of conscience, whose only crime has been the desire to live a life of freedom. There are thousands of prisoners of conscience whose release would give them a new lease on life. These people only desire freedom in a free country.

If a great number of us rally behind this proposal perhaps we can begin a new period of discussion and dialog centered around the critical issue of human rights.

THE NATION'S TELEPHONE SYSTEM

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

Mr. BONKER. Mr. Speaker, events are moving rapidly in the restructuring of our Nation's telephone system.

Over the weekend, AT&T and independent phone operators filed for $20 billion in rate increases.

This week, AT&T is scheduled to file for a $1.75 billion decrease in long distance rates.

These changes are occurring under recent FCC decisions, particularly the decision to levy an "access fee" on all residential and business phone users for the privilege of being connected to the long-distance network.

But before these changes proceed too far, there should be no mistaking the intent of Congress in the area of telephone rates.

Recent action by both Senate and House Committees demonstrates that Congress intends to overturn or delay the FCC's access fee decision.

We are determined to protect the tradition of universal telephone service.

And there should be no confusion over the reasons why Congress is getting involved in this issue.

A lot of people are making the claim that with divestiture the long distance contribution to supporting local service must come to an end.

In fact, there is no basis for these claims. Judge Harold Greene, who presided over the breakup of AT&T stated explicitly that there is no reason why some form of long-distance contribution cannot continue.

Mr. Speaker, before these proposed rate increases and rate cuts proceed too far, all parties should recognize that Congress intends to act. I believe a majority of my colleagues do not support the access charge and other decisions of the FCC.

MARTIN LUTHER KING'S BIRTHDAY

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

Mr. BRITT. Mr. Speaker, yesterday a voice was heard opposing the establishment of Dr. Martin Luther King's birthday as a national holiday, using

the occasion to deliver an attack on the character of Dr. King. I rise today to assure Members of this body that that voice does not speak for North Carolina.

Dr. King moved us from the politics of violence to the politics of nonviolence. He opened the broad avenues of hope through the political process, and shut down the dead-end street of violence as a means of achieving social change.

It is altogether fitting and proper that we should honor Dr. King's contribution by setting aside a day in his memory. Ten of my eleven House colleagues from North Carolina voted in favor of establishing Dr. King's birthday as a national holiday. One opposed the initiative on economic and other grounds, and, while I disagree with that position, it was undertaken in good faith by a number of House Members whose position I respect.

Yesterday's statement, however, was not made in good faith, but represented charged rhetoric calculated to divide, not reconcile. It was a voice that does injury to the body politic. It was not the voice of North Carolina.

THE BUDGET CRISIS

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

Mr. CLINGER. Mr. Speaker, in my judgment, future Federal budget deficits pose the most severe domestic economic crisis this country has faced since the Second World War. What is worse, Mr. Speaker, this is a creeping crisis, one that is not readily apparent to the millions of Americans who are again buying homes and autos, and who again feel secure in their continued employment.

Recently, as chairman of the House Wednesday Group, I moderated a dinner-seminar attended by many of my Republican colleagues, leading members of the business community, and economic policymakers from past and present administrations, both Democrat and Republican.

We heard that our major corporations are closing plants at home but building plants abroad. We also heard that this problem will only get worse as continued deficits crowd out needed investment, raise interest rates, spur inflation, and cause major distortions to the economy, especially to export and interest-sensitive industries. The inevitable result—fewer jobs and a lower standard of living.

The conventional wisdom at the moment is that Congress will duck this problem until after the 1984 election. Congress is a crisis-activated institution, and it will not act until the crisis hits it in the face, regardless of the terrible damage that will result from waiting. Until then, it is business as usual. Democrats blame Republicans, and Republicans blame Democrats. All the while, the crisis creeps on.

But I submit that if we wait until after the election then the damage to our economy may be irreparable. Deficits will be guaranteed through 1987. Our industrial competitiveness will be further eroded, and millions more jobs will move offshore. In fact, by that time, we will have added an additional $800 billion to the deficit, which will require a 20-percent increase in taxes just to pay its financing.

Mr. Speaker, we are faced with political gridlock that can only be broken by strong and creative leadership. Recently, the President and the leaders in Congress joined together to provide such leadership on the crisis in Lebanon. The budget crisis at home requires no less.

I am a cosponsor of House Joint Resolution 375, which directs the President to convene a domestic economic summit with congressional leaders from both parties. We need all leaders from both parties and the President in one room, prepared to make tough decisions and ready to unite in support of a single program.

We can wait no longer, Mr. Speaker. The crisis is real. The gridlock must be broken. Leadership is needed, and I am convinced that leadership will make the difference.

INTERNATIONAL DAY OF BREAD

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

Mr. ROBERTS. Mr. Speaker, I would like to tell my colleagues today that today is the International Day of Bread. This celebration is part of an international celebration called Harvest Festival Week. It is a symbol of our country's ability to feed both ourselves and a very troubled and hungry world.

Each of my colleagues, as a courtesy of my office, will be receiving a loaf of bread. I would hope that while we enjoy that bread that we would remember that the farmer is the key to our own and the world's food supply. Even though farming regions in the Midwest were hit hard with drought this summer, the American consuming public still is assured an adequate supply of reasonably priced and wholesome food. Even with the drought, our food prices from last July to this July have remained constant. I hope my colleagues enjoy the bread and at the same time recognize the contributions of the American farmer.

H.R. 1054 WILL HELP REDUCE POTENTIALLY SERIOUS SAFETY HAZARDS

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

Mr. SHUMWAY. Mr. Speaker, last week two young boys in my congressional district returned from a hike in the Sierra Nevada Mountains near Lake Tahoe, Calif., with four unexploded 75-millimeter recoiless cannon shells. Fortunately, an Army demolition team successfully removed the dangerous rounds without incident.

The ammunition found by the boys was some of the many dud-rounds that remain unaccounted for after being fired last winter for avalanche control purposes—a task carried out by the State transportation agency. California, like many other Western States, has traditionally used surplus Army ammunition to protect their mountain highways from snow avalanches. Unfortunately, the quality of this surplus ammunition is poor and creates a public safety hazard. Specifically, the fuses on the surplus shells are 30 years old and explode with a 30-percent dud-rate on soft snow.

Last winter, I introduced a bill that will remedy this unacceptable situation. H.R. 1054 will allow the Secretary of the Army to make more reliable, nonsurplus ammunition available to the non-Federal entities responsible for avalanche control. This legislation will help to reduce potentially serious safety hazards such as last week's near tragedy.

MEMBERS URGED TO VOTE "NO" ON DEFENSE PRODUCTION ACT EXTENSION

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

Mr. BETHUNE. Mr. Speaker, later today the Defense Production Act will be here on suspension, and I urge a "no" vote on that bill.

The reason is this: The Defense Production Act has broad authorities which have been on the books since 1950. The other body, the Senate, enacted a bill which establishes criteria and some oversight features which will make that bill better. Here in this House we will not have an opportunity, if it is passed on suspension, to add to the criteria and tighten that bill up.

The corporate welfare interests are out there, they are eager to get to the trough, and I assure you that if we put these broad authorities on the books, you can rely on the fact that within a couple of months they will be using these broad authorities to funnel money into the mining interests and to all others who can state some sort

of a case that their product needed in the national security interest.

The Defense Department has indicated in a letter in February that they plan to request an additional $300 million authorization in 1985 and go up to $500 million annually beginning in fiscal year 1986.

This bill is not ready to be passed by the House of Representatives. I urge a "no" vote on the suspension, and let us bring it here under the regular order of business.

CRIME AND PUNISHMENT

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

Mr. LOWERY of California. Mr. Speaker, last month the Soviet Union stalked and destroyed a Korean Air Lines jet knowing its identity as a passenger transport. Theories differ on the Soviet motive, but all agree it was a heinous crime.

Everyone touched by the incident has tried to express a fitting response to the Soviet misdeed. A joint resolution of Congress condemned the action and asked for reparations for the families of the victims.

This resolution did not go far enough. World outrage has been expressed, but restitution to the families of the world has not been made.

Restitution should be in the form of the release of 269 political prisoners, one for each life lost on KAL 007, to be nominated and selected by the free world.

This would be an eloquent request, which, left unfilled, will remind the world of Soviet shame in downing a civilian aircraft without remorse, and the continuing disgrace of the Gulag Archipelago. If the request is honored, the freedom of these 269 persons would be a living memorial to those lost in the tragedy.

As long as we ask for restitution, our request will stand as a verbal "Guernica," a reminder of a place in our world that has no respect for life, human rights, and liberty.

□ 1250

CONFISCATION OF OUR CONSTITUTIONAL RIGHTS

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

Mr. MARLENEE. Mr. Speaker, I rise today in opposition to the confiscation of our constitutional rights. That is exactly what the Supreme Court has condoned by not reviewing the Morton Grove gun control bill.

I object to a city, town, or village subverting the U.S. Constitution and my right to bear arms.

Innocent hunters and sportsmen, too, are subjected to Morton Grove's unconstitutional ban. It is an inherent right to own a firearm in this country, and has been since our Founding Fathers declared it so.

A lawful American citizen who legally owns a firearm should not be subjected to a felony. I have a bill, H.R. 3714 that would allow me to carry a legally purchased firearm across State lines even if there are laws such as Morton Grove's. What should be a crime is eroding the document that helped found this Nation, and serving to help banish full-fledged constitutional rights.

Mr. Speaker, I disagree with the Supreme Court's refusal to reconsider the Morton Grove gun ban. I will take the U.S. Constitution over a village ordinance every time.

Those of you who believe that we have a right to possess a firearm and a right to use that firearm to protect our lives and property should view today's top editorial in the Washington Post with great alarm. I urge my colleagues to join me in passing my bill H.R. 3714.

This bill will protect those of us who legally own a firearm and protect us from criminal charges that arise when we unknowingly stray into a jurisdiction such as Morton Grove or worse yet those bastions of crime such as Washington, D.C., and New York City which prohibit the possession of a handgun.

Apparently the Washington Post would rather have the crime than the deterrence that comes with a majority of its citizens who are in legal possession of a handgun.

VACATING PROCEEDINGS ON AND RECONSIDERATION OF S. 552, GEORGE W. WHITEHURST FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the House passed the Senate bill (S. 552) to designate the Federal building in Fort Myers, Fla., as the "George W. Whitehurst Federal Building and U.S. Courthouse," on yesterday, October 3, 1983, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. MOLINARI. Mr. Speaker, reserving the right to object, and I will not object, I do this so that the gentleman from Missouri can explain why this bill has been brought back to the floor today.

Mr. YOUNG of Missouri. Mr. Speaker, if the gentleman will yield, on yesterday, October 3, 1983, the House passed H.R. 3303 to designate the Federal building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building." After the passage of the House bill the House took up the Senate bill, S. 552, and passed that bill.

It was discovered after passage of the legislation there was a discrepancy in the Senate bill in that on page 1 in two places reference is made to the "George W. Whitehurst Federal Building and United States Courthouse," while on page 2 the reference is only to the "George W. Whitehurst Federal Court Building."

This action is, therefore, taken at this time to conform the Senate bill in its entirety so that in all cases it will read the "George W. Whitehurst Federal Building and United States Courthouse."

This is what my amendment would do.

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

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 2301 First Street, Fort Myers, Florida, known as the Federal Building, shall hereafter be known and designated as the "George W. Whitehurst Federal Building and United States Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "George W. Whitehurst Federal Court Building".

SEC. 2. Section 3(b) of Public Law 98-1 is amended by striking the words "six months" and substituting therefor "two years".

AMENDMENT OFFERED BY MR. YOUNG OF MISSOURI

Mr. YOUNG of Missouri. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Missouri: Page 2, lines 3 and 4, strike out "George W. Whitehurst Federal Court Building" and insert in lieu thereof "George W. Whitehurst Federal Building and United States Courthouse".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Missouri (Mr. YOUNG).

The amendment was agreed to.

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

GENERAL LEAVE

Mr. YOUNG of Missouri. 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 passed.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *October 4, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from The White House at 4:03 p.m. on Monday, October 3, 1983, and said to contain a message from the President whereby he transmits the First Special Message for Fiscal Year 1984 under the Impoundment Control Act of 1974.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

NEW DEFERRALS OF BUDGET AUTHORITY AND OUTLAYS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-116)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of Monday, October 3, 1983.)

1983 NATIONAL ENERGY POLICY PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-117)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, October 4, 1983.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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 today at the conclusion of legislative business.

CONNECTICUT RIVER ATLANTIC SALMON COMPACT ACT

Mr. BREAUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3044) to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic salmon in the Connecticut River Basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission, as amended.

The Clerk read as follows:

H.R. 3044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, which compact was entered into by the States of Connecticut, Massachusetts, New Hampshire, and Vermont pursuant to the laws of those respective States and is set forth in the statutes of the States of Connecticut (P.A. 79-528), Massachusetts (Chap. 716, 1981), New Hampshire (108:1, 1979), and Vermont (1979, No. 89; Amended in 1981, No. 85:9) and reads substantially as follows:

"ARTICLE I

"The purpose of this compact is to promote the restoration of anadromous Atlantic salmon, hereinafter referred to as Atlantic salmon, in the Connecticut River Basin by the development of a joint interstate program for stocking, protection, management, research, and regulation. It is the purpose of this compact to restore Atlantic salmon to the Connecticut River in numbers as near as possible to their historical abundance.

"ARTICLE II

"This agreement shall become operative immediately whenever all of the States of Connecticut, Massachusetts, New Hampshire and Vermont have executed it in a form that is in accordance with the laws of the executing State and the Congress has given its consent.

"ARTICLE III

"Each State joining herein shall appoint two representatives to a commission hereby constituted and designated as the Connecticut River Atlantic Salmon Commission. One shall be the executive officer of the administrative agency of such State charged with the management of the fisheries resources to which this compact pertains or his designee. The second shall be a citizen who shall have a knowledge and interest in Atlantic salmon to be appointed by the Governor for a term of three years. The Director of the northeast region of the Fish and Wildlife Service, United States Department of the Interior or his designee and the Director of the northeast region of the National Marine Fisheries Service, United States Department of Commerce, or his designee shall be members of said commission. The commission shall be a body corporate with the powers and duties set forth herein.

"ARTICLE IV

"The duty of said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about the restoration of Atlantic salmon in the Connecticut River and its tributaries.

"To promote restoration, preservation, and protection of Atlantic salmon in the Connecticut River Basin, the commission may draft and recommend to the Governors of the various signatory States legislation to accomplish this end. The commission shall, more than 60 days prior to any regular meeting of the legislature of any signatory State, present to the Governor of the States its recommendations relating to proposed enactments to be made by the legislature of the State in furthering the intents and purposes of this compact.

"The commission shall have the power to recommend to the States party hereto stocking programs, management procedures, and research projects and when two or more States party hereto shall jointly stock waters or undertake cooperative management or research, the commission shall act as the coordinating agency. The commission, using all available means, shall encourage acquisition by the signatory States of river bank, river bed, and access thereto.

"The commission shall consult with and advise the pertinent administrative agencies in the signatory States with regard to other anadromous species and their potential impact or the potential impact of sport fisheries and commercial fisheries for other anadromous species on the restoration of Atlantic salmon to the Connecticut River Basin.

"In the interest of developing a sound program of Atlantic salmon management, the commission shall promulgate regulations governing Atlantic salmon fishing in the mainstem of the Connecticut River in all four signatory States as hereinafter provided. Such regulations may: (1) establish the open and closed seasons for Atlantic salmon which may vary by river section, (2) establish hours, days, or periods during the open season when fishing for Atlantic salmon shall not be permitted in designated areas, (3) prescribe the legal methods of taking Atlantic salmon including the type of gear such as gaffs, landing nets, or tailers which may be used to assist in landing fish, (4) establish a minimum legal length for Atlantic salmon, (5) establish a daily creel limit, the season creel limit, and the possession limit for Atlantic salmon.

"The commission shall recommend, review, and issue comments on such regulations as may be promulgated by the signatory States governing Atlantic salmon fishing and tributary streams. The States of Connecticut and Massachusetts agree to make available for broodstock, from fish taken in the fish passage facilities at the Rainbow Reservoir Dam and the Holyoke Power Company Dam, such numbers of adult Atlantic salmon as the commission deems necessary to carry out the Atlantic salmon restoration program.

"The commission shall have the power to issue a Connecticut River Basin Atlantic salmon license and the sale of such licenses shall be handled by the individual signatory States or their authorized agents. The individual signatory States shall be accountable

to the commission for all such licenses and the moneys received therefrom. The initial fee for such licenses shall be determined by majority vote of the commission but shall not exceed the maximum resident angling license fee of the signatory States except that the commission may upon determination of need and with the unanimous approval of its membership increase such license and issuing fee. The individual signatory States or their issuing agents may retain a recording fee up to 50 cents for each license issued. Forms for such license shall be provided to the signatory States by the commission. Such license shall be a legal prerequisite for any person including minors fishing for or possessing Atlantic salmon in the waters or on the shores of the Connecticut River and all of its tributaries. In addition to said Connecticut River Basin Atlantic salmon license, all persons, except those specifically exempted because of age, disability, or other limitations as determined by statute or regulations of the individual signatory States shall be required to possess a valid resident or nonresident sport fishing license issued by the State in which the person is fishing. The commission shall recognize that in certain waters or sections of waters a daily rod permit may also be required, such daily rod permit to be issued by the State in which such waters or sections of waters are located; however, the signatory States shall not, by fee, distinguish between residents and nonresidents. The authority to limit the numbers of persons fishing for Atlantic salmon in certain tributaries or sections of certain tributaries shall remain the prerogative of the individual signatory States.

"The respective police agencies of the signatory States shall have the authority to enforce all of the regulations and license requirements of the commission any place in the Connecticut River Basin.

"The commission shall have the authority to accept gifts, State grants, and Federal funds. The commission shall have the authority to expend money from fees collected for Connecticut River Basin Atlantic salmon licenses or from such other funds available to the commission to finance the cost of stocking, management, or research carried on by signatory States to further the purposes of this compact. Such funds shall be in the form of direct grants to the agency of such State charged with the management of the fisheries resources and may be up to 100 percent of the cost of projects approved by a majority vote of the commission.

"ARTICLE V

"The commission shall elect from its number a chairman and a vice chairman and at its pleasure may remove such officers. Said commission shall adopt rules and regulations for the conduct of its business. At such time as funds are available to the commission, the commission may establish and maintain an office for the transaction of its business. The commission may meet at any time or place but must meet at least semiannually.

"The commission shall have the authority to expend money from available commission funds to reimburse its membership for necessary travel expenses.

"ARTICLE VI

"At such time as funds are available, the commission may employ and discharge at its pleasure such personnel as may be required to carry out the provisions of the compact and shall fix and determine their duties, qualifications, and compensation.

"ARTICLE VII

"There shall be established a technical committee to consist of one fishery biologist from each of the signatory States, the United States Fish and Wildlife Service, and the National Marine Fisheries Service to act in an advisory capacity to the commission. The technical committee shall have the authority to request employees of the signatory States, the United States Fish and Wildlife Service, and the National Marine Fisheries Service or others who have special fields of expertise to act as special advisers to the committee. At such time as funds are available, the commission may reimburse technical committee members and special advisers for necessary travel expenses.

"ARTICLE VIII

"No action shall be taken by the commission in regard to its general affairs except by affirmative vote of a majority of members present at any meeting, provided there is a quorum. A quorum shall consist of a simple majority of all members of the commission. *Provided further,* That no action shall be taken by the commission unless each signatory State is represented at any such meeting. No recommendation or allotment of grant funds shall be made by the commission except by the affirmative vote of a majority of the members.

"ARTICLE IX

"Continued absence of representation or of any representative on the commission from any party hereto shall be brought to the attention of the Governor thereof.

"ARTICLE X

"The States signatory hereto agree to make an annual appropriation to the initial support of the commission in the amount of $1,000 for each of the first three years that this compact is in effect.

"ARTICLE XI

"The commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the legislature of each State party to this compact on or before the tenth day of January of each year setting forth in detail the transactions conducted by it during the 12 months preceding January first of that year. The comptrollers of the States are hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, grants, and such other items referring to its financial standing as such comptroller may deem proper and to report the results of such examination to the Governor of said State.".

SEC. 2. The Congress authorizes the Secretary of Commerce and the Secretary of the Interior to participate as members of the Connecticut River Atlantic Salmon Commission in the manner specified by the compact approved by the first section of this Act.

SEC. 3. The consent of the Congress granted by the first section of this Act to the compact referred to in that section—

(1) shall become effective only if none of the States that are members of the compact has in effect a statute providing for withdrawal from the compact or if all such States have agreed by statute to the same provisions for withdrawal from the compact; and

(2) shall be effective for a period of twenty years beginning on the date the consent of the Congress becomes effective under paragraph (1).

SEC. 4. Nothing contained in the compact approved by the first section of this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of that compact.

SEC. 5. The right to alter, amend, or repeal this Act is expressly reserved.

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

The gentleman from Louisiana (Mr. BREAUX) will be recognized for 20 minutes and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

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

Mr. Speaker, the bill now under consideration by the House would simply provide the consent of Congress to an interstate compact designed to promote and facilitate the restoration of the Atlantic salmon to the Connecticut River basin. This interstate compact has alrady been enacted into State law by Massachusetts, Connecticut, Vermont, and New Hampshire, but as you know, the U.S. Constitution requires the consent of Congress for any such interstate agreement to enter into force.

Specifically, the compact provides for the establishment of the Connecticut River Atlantic Salmon Commission which is charged with developing cooperative interstate stocking, protection, management, research and regulatory programs. The objective of the commission is to restore the once abundant, but now decimated Atlantic salmon to historical levels of abundance.

In order to promote both State-Federal and interstate coordination, H.R. 3044 further provides the authority for both the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to participate as members of the Commission. Last, to insure proper congressional and State oversight and evaluation of this program, the bill limits the term of the compact to 20 years.

Mr. Speaker, the coordinated Federal and interstate program provided for under the Connecticut River Atlantic salmon compact has great potential for developing Atlantic salmon into substantial new fishing opportunities in the New England region. Without the consent of Congress needed to validate this compact, such benefits may never be realized. Furthermore, because of the enthusiasm of the signatory States to arrange all fiscal support for the Commission and its activities, H.R. 3044 does not carry an authorization for Federal spending. The bill is wholeheartedly supported by the administration and so I urge your support, and the support of the Members here today for this important legislation.

□ 1300

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

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

Mr. Speaker, I rise in support of H.R. 3044, the Connecticut River Atlantic Salmon Commission Act, as amended. This bill provides congressional consent to an interstate fisheries compact unanimously supported by all member States.

The compact is designed to promote the restoration of sea-run Atlantic salmon in the Connecticut River basin. The member States—Connecticut, Massachusetts, Vermont, and New Hampshire—have ratified the compact and this bill provides the requisite authority for the Federal Government, specifically the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, to participate as members of the Commission established by the compact.

The bill, as amended, allows the States to standardize their compacts and sets the effective date of the compact for a period of 20 years. These provisions resolve the legal difficulties associated with the inconsistencies in the various State enacting statutes. Also, by including a sunset clause for the compact, the States will be encouraged to review the compact's effectiveness and the success that has been achieved in meeting the goal of restoring the Atlantic salmon to the Connecticut River basin.

I would urge my colleagues to support this legislation which provides necessary congressional sanction for this fisheries management legislation.

At this time, Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Massachusetts (Mr. CONTE), who really is the author of this bill.

Mr. CONTE. Mr. Speaker, I rise in strong support of H.R. 3044, the Connecticut River Atlantic Salmon Compact Act.

For several years now, the four States of Connecticut, New Hampshire, Vermont, and Massachusetts have been working with each other and two Federal agencies to develop and administer a program to return the Atlantic salmon to the Connecticut River. At one time, Atlantic salmon could be found in the Connecticut River in abundant numbers. The U.S. Fish and Wildlife Service estimated that the size of the salmon population in the Connecticut River basin ranged from 70,000 to 140,000 adult salmon. I cannot wait for those days to return—Atlantic salmon in my district.

By the early 19th century, however, the salmon population in the Connecticut River basin was virtually eliminated. Pollution of the river's main stem and tributaries, the lack or proper management and the construction of dams contributed to the extinction of this prized food and game fish in the Connecticut River. Since that time, many in New England have hoped for the return of the Atlantic salmon.

After a brief attempt by the States during the mid-1800's, a contemporary restoration program was initiated in 1967 when 5,000 2-year smolts were released into the Connecticut River. Since then, hatcheries have been built; fish ladders constructed, and each year more smolts are released into the river system. In addition to these State projects, the Federal Government has also been involved. In Vermont, a new Federal hatchery was constructed with a capacity to produce 400,000 smolts annually.

In 1974, the program showed the first sign of success—at least one adult Atlantic salmon returned to the Connecticut River, the first one in over 100 years. In 1981, the annual run reached its new height of 530 fish. The record continues to improve every year. In fact, with several ladders in operation, the Connecticut River is now opened to Atlantic salmon for 173 miles upstream. Another fish ladder at Bellows Falls, Vt. is expected to open later this month. With the completion of this ladder and one scheduled to open next year, the entire river will be free for the salmon to return.

This success is encouraging, but much more must be done to establish a stable salmon population—the program must be consistent and ongoing for a considerable period of time.

With this in mind, an interstate compact was formed to coordinate the efforts of the four States and to enlist the assistance of Federal expertise and resources. The compact charter provides for a Connecticut River Atlantic Salmon Commission composed of 10 members: 8 State appointees and 2 Federal Government representatives. Essentially the Commission has three main functions:

First, the Commission will act as an overall coordinating body to recommend stocking programs, management procedures and research.

Second, the Commission will promulgate regulations for salmon fishing in the main stem of the river and will issue salmon fishing licenses with the fees collected to be used by the Commission.

Third, the Commission will be authorized to accept gifts, State and Federal grants to be used along with the fees for Atlantic salmon management and research.

As required by article 1 of the U.S. Constitution, H.R. 3044 simply grants the consent of Congress to this interstate compact for a period of 20 years. The legislation also authorizes the Department of Interior, that is, the U.S. Fish and Wildlife Service and the Department of Commerce, that is, the National Marines Fisheries Service to participate as members of the Commission. The Federal agencies have already expressed interest in the program.

The effort to restore the Atlantic salmon has made measurable progress. With the institutional support of this interstate compact, the program should attain its ultimate goal—the restoration of Atlantic salmon to the Connecticut River in historic levels of abundance. I urge the House to suspend the rules and pass H.R. 3044.

Mr. Speaker, let me take this opportunity to commend the able and expeditious work of the Merchant Marine and Fisheries Committee. The leadership of subcommittee Chairman JOHN BREAUX along with the ranking member, my friend the gentleman from New Jersey (Mr. FORSYTHE), was extremely helpful during the committee's consideration and this floor deliberation. Full committee Chairman WALTER JONES insured that this bill received prompt and careful consideration. I appreciate their valuable assistance and leadership.

Let me take this opportunity to elaborate on the amendment offered in full committee by the gentleman from Louisiana (Mr. BREAUX).

I asked the subcommittee chairman to include the additional section of the bill to resolve a legal and constitutional difficulty that surfaced after a closer examination of the State enabling legislation. When ratifying the compact, the Commonwealth of Massachusetts included a withdrawal provision in the preamble of its statute. The language added to this interstate agreement allowed Massachusetts to withdraw from the compact without the consent of the other States involved. None of the other three States adopted this provision in their statutes. Since the compacts must be uniform for congressional consent, the States have technically not agreed to the same compact. Even though the substance of the agreement is exactly the same, this additional provision may be interpreted as a difference great enough to question the validity of the compact.

The language was adopted, from what I understand, because several Massachusetts legislators were concerned that the agreement did not include a termination date nor provide for any review process to assess the success or failure of the salmon restoration program. They felt, and I agree, that such a multistate effort will be improved by legislative review after a certain period of time.

The amendment, now section 3 of the bill, accomplishes this goal without delaying the implementation of the compact. There are two conditions for congressional approval. First, the

compact is required to be uniform. Either Massachusetts must withdraw its provision or the other States must conform with a similar amendment. Second, the compact is authorized by Congress for 20 years. This period will allow for congressional and State review of the program.

I have been assured by officials in Massachusetts, particularly the legislator who offered the amendment to include the language, that the State will begin the process of amending its statute. They have accepted this compromise.

I hope this adequately addresses the concerns you raised.

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

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

Mr. JEFFORDS. Mr. Speaker, I just want to take this time to say that I have been following this program for many years since I was attorney general for the State of Vermont, and I certainly must say that the success of the program is certainly due to the gentleman in the well. There is no one who has worked harder in following this program than he has.

The progress that we have seen now, with the salmon beginning to return to the river, will certainly benefit the gentleman's State, and it will benefit mine also, of course, where they will head for the headwaters.

Mr. Speaker, I just want to thank the gentleman from Massachusetts (Mr. CONTE) publicly for all the tremendous effort he has put into this program. It is great to see the program moving forward and to see the success that is coming from it.

Mr. Speaker, I rise in support of this important piece of legislation and I would like to commend the gentleman from Massachusetts for rallying the members of the New England congressional delegation to this valuable cause.

H.R. 3044 is an important step in the effort to restore salmon to the Connecticut River. At one time, population estimates of salmon in the Connecticut River basin ranged from 70,000 to 140,000. Unfortunately, due to irresponsible damming practices and other uses of the Connecticut River, the salmon have virtually disappeared.

In 1977, the States of Vermont, New Hampshire, Connecticut, and Massachusetts joined with the Federal Government to propose a Connecticut River Atlantic Salmon Commission. The purpose of the compact is to promote the restoration of the Atlantic salmon run into the Connecticut River basin. It would set up a joint interstate program of management and research.

In 1982, the Governors of all four States signed similar laws to allow their States to engage in this program. Under the Constitution, the consent of the Congress is required for the compact to go into effect. We must also authorize the participation of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in the Salmon Commission.

Mr. Speaker, this bill is necessary to facilitate a program that is a fine example of Federal-State cooperation which will result in no additional cost to the Treasury. It is also a program that promises to be popular and beneficial in the States of the Connecticut River basin. On behalf of all Vermonters, I want to thank the gentleman from Massachusetts for his initiative in bringing this bill to the floor of the House.

Mr. CONTE. Mr. Speaker, I want to thank the gentleman from Vermont (Mr. JEFFORDS) for his remarks, and I thank him for all his help.

One of the things that we obtained while we were trying to clean up the river was the salmon hatchery up there at Bethel, Vt., which is now completed. I know the gentleman is going to still be around here in the future, and someday maybe you will name it after me.

Mr. JEFFORDS. Absolutely, no question about it.

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

Mr. Speaker, just in closing, let me say that I think this is again showing that we are cleaning up our environment. Our other rivers in the Northeast are also beginning to see fish again. This is the kind of thing that we have really been striving for as a nation, and this is just clear proof that it does pay off to really work on the environment.

Mr. Speaker, I urge passage of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Speaker, today I rise in firm support of H.R. 3044, the Connecticut River Atlantic Salmon Compact Act. This measure gives the consent of Congress, for 20 years, to a compact entered into by Connecticut, Massachusetts, New Hampshire, and Vermont to restore Atlantic salmon in the Connecticut River basin "as near as possible to their historic abundance." According to the Congressional Budget Office, enactment of H.R. 3044 will result in no significant additional cost to the Federal Government.

Based on records from the 19th century and habitat quantification estimates developed by the U.S. Fish and Wildlife Service, the size of the Atlantic salmon population in the Connecticut River basin ranged from 70,000 to 140,000 adult salmon annually. Unfortunately, due to irresponsible damming practices and an increase in pollution, the Atlantic salmon population had all but disappeared by the early 19th century. An effort to restore the salmon population was initiated in the late 19th century, but only limited success was achieved because of a lack of cooperation among the members of the four-State Commission—New Hampshire, Vermont, Massachusetts, and Connecticut.

In 1976, the Fish and Wildlife Service, the National Marine Fisheries Service, and the four States, entered into a compact which established the Connecticut River Atlantic Salmon Commission. Nevertheless, the Commission has done very little to accomplish their goal. This has been because the U.S. Constitution asserts that "No State shall, without consent of Congress, enter into an agreement or compact with another State." H.R. 3044 would grant the congressional consent required in this instance, and provide a vehicle for cooperation among the four States.

I fully support this legislation, and commend the work of the committee in this regard.

● Mr. JONES of North Carolina. Mr. Speaker, as chairman of the Merchant Marine and Fisheries Committee, I rise in strong support of H.R. 3044, a bill to grant the consent of Congress to an interstate compact which is designed to bring about the restoration of Atlantic salmon in the Connecticut River basin.

Atlantic salmon were once common throughout the streams of northeastern North America. However, due to the construction of dams which prevented the juvenile salmon from reaching the ocean rearing areas and the adults from reaching the freshwater spawning areas, as well as the effects of pollution, the Atlantic salmon was brought to the verge of extinction in the United States. More recently, as a result of pollution abatement and mitigation of the effects of hydroelectric dams, the Atlantic salmon is becoming reestablished in the Connecticut River.

Mr. Speaker, legislatures of four States, Connecticut, Massachusetts, New Hampshire, and Vermont, have joined hands to aid and encourage the rebirth of this fishery. I want to commend them as well as the bipartisan group of Congressmen who introduced H.R. 3044 to approve establishment of a Connecticut River basin Atlantic salmon compact. This compact will make possible the coordinated research and management efforts which are essential for the successful rehabilitation of this highly migratory species.

The consent of Congress is required to authorize the Regional Directors of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to take part as members of the Commission, and for the participation of

U.S. Fish and Wildlife Service and National Marine Fisheries Service designees on a technical committee to advise the Connecticut River Atlantic Salmon Commission.

This legislation would help to restore a very valuable sport and commercial species to the Atlantic States region without authorizing any new Federal funding. I urge my colleagues to vote favorably on this important measure.●

● Mr. GEJDENSON. Mr. Speaker, today I rise to ask my colleagues to quickly and overwhelmingly support a noncontroversial piece of legislation now before this body that is extremely important to my State of Connecticut. This legislation is H.R. 3044, the Atlantic Salmon Compact Act, and has the support of 19 of my colleagues from three other New England States including Vermont, Massachusetts, and New Hampshire.

Since 1967, Connecticut, Vermont, Massachusetts, and New Hampshire have been working together to find ways to restore Atlantic salmon to the Connecticut River. During the last few decades, pollution, lack of proper management, and the construction of dams in the river have wiped out the entire population of Atlantic salmon in the Connecticut River Basin.

In 1974, a historic and memorable moment occurred when the first salmon in over 100 years returned to the Connecticut River. Since that time, the annual number returning has reached the extraordinary level of 530 fish. This number is indeed significant but in order to maintain, and more importantly, increase these numbers, it is vital that the four States involved and the Federal Government cooperate to attain this very worthy goal.

So far, Connecticut, Vermont, New Hampshire, and Massachusetts have done their part as all four State legislatures have ratified the compact. Now, the fate of this compact lies in the hands of all of you here today. This compact will not add any additional costs to the Federal budget and so, I urge my colleagues to support H.R. 3044, which, if enacted, would give Federal consent to this interstate compact allowing the Connecticut River Atlantic Salmon Commission to fulfill its purpose.●

● Mrs. JOHNSON. Mr. Speaker, as a cosponsor of H.R. 3044, I rise today in support of this important legislation which will at last bring an orderly plan to the preservation and future of the Atlantic salmon in the Connecticut River throughout the New England area. I believe this legislation, which will allow the States to enter into a 20-year compact to determine the direction and the development of this important resource, could not be more timely.

The U.S. Fish and Wildlife Service estimates that at one time between 70,000 and 140,000 Atlantic salmon left the ocean every year to swim up the Connecticut River to spawn. By 1812, however, a series of dams, blocking major stretches of spawning ground, caused the salmon to all but dispapear from the river. Fifty years later, the New England States through which the river winds, launched the New England Commission of Inland Fisheries in a cooperative effort to breed and sustain the fish.

It took another 100 years before Congress passed the Anadromous Fish and Conservation Act, to renew the effort. The Federal and State governments built hatcheries able to produce 600,000 young fish a year and opened up spawning grounds to the salmon by constructing special "fish ladders" that bypass the river's power-generating dams. In 1974, a lone salmon returned to the Connecticut River; by 1981 the number reached 530.

To consolidate these achievements and make further progress, the four States, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service finally agreed in 1976 to enter into a compact establishing the Connecticut River Atlantic Salmon Commission. Since that time, all four States have consented through legislation to be members.

The commission's duty is to restore, preserve, and protect the Atlantic salmon in the Connecticut River Basin and its tributaries. Its work must be shared with the Governor, in order to encourage the States to acquire sections of the river and bank and act as the coordinating agency for any cooperative efforts between two or more States. I fully support the provisions of this bill which will allow the Secretary of the Interior and the Secretary of Commerce to appoint representatives as members of the commission, which is established by the interstate compact.

The restoration, enhancement, and maintenance of Atlantic salmon populations in selected New England rivers was a major priority of the State and Federal fisheries agencies last year. I believe this legislation, granting the consent of Congress to an interstate compact relating to the restoration of Atlantic Salmon, will make their efforts even more fruitful in the years to come. I commend the swift work of the Merchant Marine and Fisheries Committee in bringing this legislation before us today, and I urge my colleagues to support it.●

● Mr. GREGG. Mr. Speaker, as the Representative from New Hampshire's Second District, where the Connecticut River originates from the scenic Connecticut Lakes region in Pittsburg, it is an honor for me to congratulate the gentleman from Massachusetts (Mr. CONTE) for his leadership in developing the Connecticut River Atlantic salmon compact.

At one time the Atlantic salmon thrived in the Connecticut River. It is indeed a sad and unfortunate fact to know that in past years, due to improper management, pollution, and various water construction projects, the Atlantic salmon has all but disappeared from the Connecticut River Basin.

New Hampshire depends heavily on its tourist industry. Our scenic rivers have provided ample fishing to tourists for years. Therefore, this initiative, led by the gentleman from Massachusetts, is a very important step in the process to return the Atlantic salmon to the waters of the Granite State.

Connecticut, Massachusetts, New Hampshire, and Vermont have been working with each other along with the U.S. Fish and Wildlife Service for some time now to develop a mutually agreeable plan to return the Atlantic salmon to the Connecticut River. To date, all four State legislatures have ratified the compact.

Again, the gentleman from Massachusetts is to be commended for his leadership in bringing this important legislation to the attention of our colleagues.●

GENERAL LEAVE

Mr. BREAUX. 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 under consideration.

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

There was no objection.

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

Mr. BREAUX. 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 Louisiana (Mr. BREAUX) that the House suspend the rules and pass the bill, H.R. 3044, as amended.

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

A motion to reconsider was laid on the table.

EXPORT ADMINISTRATION ACT OF 1979 EXTENSION

Mr. BONKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4068) to extend the authorities under the Export Administration Act of 1979 until October 28, 1983, as amended.

The Clerk read as follows:

H.R. 4068

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking out "October 14" and insert in lieu thereof "October 28".

SEC. 2. There are authorized to be appropriated to the Department of Commerce for the fiscal year 1984 such sums as may be necessary to carry out the Export Administration Act of 1979.

The SPEAKER pro tempore. Is a second demanded?

Mr. ROTH. 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 Washington (Mr. BONKER) will be recognized for 20 minutes and the gentleman from Wisconsin (Mr. ROTH) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington (Mr. BONKER).

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

Mr. Speaker, this bill is made necessary by the fact that the Export Administration Act, which originally expired on September 30, 1983, and was by action of this body and that of the other body extended last week to October 14, must now be once again extended to October 28.

As the Members know, the House currently has the Export Administration Amendments Act of 1983 under consideration, and we had 3 days of deliberations last week. Regrettably, because so many amendments are pending and because the other body has failed to take this issue up on the Senate floor, we now find it necessary once again to seek a simple extension of the act.

This is terribly important, Mr. Speaker, because the Export Administration Act is the one authority that the President has to exercise foreign policy and national security controls. Until the Congress can act on a new measure, we must proceed with a simple extension. I am hopeful that the second extension will be sufficient for both the House and the Senate to act upon their respective measures so that we can have a new Export Administration Act signed into law by the end of the month.

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

□ 1310

Mr. ROTH. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I have no objection to the extension of EAA to October 31, but I do remind some of our Members that 2 weeks ago, a number of us prophesied that this was going to happen.

Now, again, it will not take a prophet to predict that it is going to take another extension after October 31 to complete EAA. The Senate has not even begun to schedule time to debate the EAA.

We, in this House, have not, I think it is fair to say, scratched the surface in debating pending amendments to the EAA.

This is very important legislation. The Export Administration Act is going to have many amendments. I have been told that we have as many as 25 amendments waiting to be offered to the EAA; so I think it is appropriate to extend it to October 31. This is not enough time, however, to get the job done. It is going to take more than 2 weeks to adequately address all the issues in EAA.

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

Mr. ROTH. I yield to the gentleman.

Mr. BONKER. Mr. Speaker, I would like to take this opportunity to thank the gentleman and members of the subcommittee for their cooperation, not only with our work on the Export Administration Amendments Act, but our efforts to extend the existing act so that we can properly dispose of this matter.

Mr. ROTH. Mr. Speaker, I thank the gentleman for his remarks.

As the gentleman from Washington had mentioned just a short while ago in his remarks, the Export Administration Act is the only vehicle that the President has in this area and it is very important.

I thank the gentleman for his remarks.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BONKER) that the House suspend the rules and pass the bill, H.R. 4068, as amended.

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

A motion to reconsider was laid on the table.

HAZARDOUS WASTE AMENDMENT

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

Mr. SKELTON. Mr. Speaker, in the very near future, this body will finish its consideration of the Hazardous Waste Control and Enforcement Act, H.R. 2867, and I have today offered an amendment that deserves the Members' attention. Simply stated, my amendment provides the Administrator of the Environmental Protection Agency with the tools that he needs to do the job that the Congress intended, namely, to protect the health and welfare of the residents of an area that is found to be contaminated by toxic waste.

My amendment brings to this body the experience that my Missouri colleagues and I have gained from the Times Beach hazardous waste disaster. It gives the Administrator the discretion to permanently relocate residents where cost effective or necessary, to pay local businesses debts during relocation to keep the local economy afloat, and to provide unemployment benefits where necessary and that are already contemplated by the Disaster Relief Act of 1974.

Mr. Speaker, I hope that none of my colleagues will ever face the trauma that Missourians have faced in the wake of the contamination of entire towns. With this amendment, however, at least we can close the gaps that we have discovered in the Superfund law so that the Government can act more promptly to protect its citizens.

The Senate Environment and Public Works has adopted this amendment at the behest of Senators DANFORTH and EAGLETON. We should assure passage of this into law by passing it in this body.

DEFENSE PRODUCTION ACT OF 1950 EXTENSTION

Mr. LAFALCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1852) to extend the expiration date of the Defense Production Act of 1950, as amended.

The Clerk read as follows:

S. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985".

The SPEAKER pro tempore. Is a second demanded?

Mr. BETHUNE. 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 New York (Mr. LAFALCE) will be recognized for 20 minutes and the gentleman from Arkansas (Mr. BETHUNE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAFALCE).

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

Mr. Speaker, my amendment is at the desk.

The SPEAKER pro tempore. The amendment is part of the gentleman's

motion and the gentleman may explain it.

Mr. LAFALCE. Mr. Speaker, my amendment to S. 1852 would strike all after the enacting clause and substitute language which would simply extend the existing authorities of the Defense Production Act of 1950 for 2 years. I believe this is the sensible course for the Congress to take at this time.

The Senate bill would extend the DPA for 5 years, and would extensively revise the authorities of title III of the act.

Title III of the Defense Production Act contains the authorities for expansion of productive capacity and supply of materials necessary for the national defense. As those authorities stand now, the President could extend direct loans and guarantee loans up to a certain amount, and enter into purchase agreements upon obtaining advance appropriations for these activities.

After only 1 day of hearings, the Senate Banking Committee proceeded to mark up a bill, which would change those authorities so that literally each individual loan, loan guarantee, and purchase program would need to be authorized, and prior to that, be identified on an individual basis in the President's budget submissions. This is a drastic revamping of traditional DPA authorities, and I suggest to Members that we ought not to accept them without giving a good deal more examination to them than has been devoted so far.

For example, I do not believe that the House Banking Committee or the Congress really wants to be put in the position of micromanaging the Defense Department by having to make technical decisions about the relative merits and national security considerations of titanium versus beryllium versus other types of possible strategic materials and processes.

As Members know, the House has had under consideration for 2 years now amendments to title III of the Defense Production Act which would establish a much-needed program to revitalize the defense industrial base of our country for defense-related jobs. We have been unable to bring that bill to the floor this session for a number of reasons. I will not elaborate on all of them, but I would mention that the Supreme Court's legislative veto decision required both the Bank and Education and Labor Committees to revisit the bill in August and September.

With the Defense Production Act's authority having lapsed last Friday, we are now willing to put aside for now the much-needed program which the Banking Committee had recommended, and move for a simple 2-year extension of the Defense Production Act.

The fact is that the Defense Production Act must be extended. It contains authoriies which the DOD and other agencies utilize on a day-to-day basis in defense contracting and for programs to maintain the mobilization readiness of our industrial and material resources. We have kept this statute on the books for 33 years, and I believe we must continue it. But I do not believe we should give it a 5-year extension as the Senate has done. We have never done that before. We have always given the act no more than a 2-year extension, in order for Congress to review how those broad authorities are being applied. I do not think we should change that practice now.

One of the important jobs the Defense Department has, under the authority of the DPA, is to protect our defense industrial base against the potential cutoff of strategic minerals from unreliable foreign suppliers. Such cutoffs have occurred in the past. DOD is concerned, as are many congressional committees, that future turmoil in southern Africa could result in a paralyzing supply disruption of cobalt, chrome, platinum metals, and other critical materials upon which our national defense is dependent.

Under authority granted last year, DOD is now preparing a modest program to assess which of these metals can be produced domestically. With respect to cobalt, for example, I understand that DOD is proposing to spend between $2 and $5 million in the next fiscal year to test the quality of the domestic ore body and refining processes. DOD is further requiring that all environmental laws and regulations be met by applicants for the contracts. It is difficult for me to understand why anyone who really cares about national security would oppose some modest pilot work on domestic cobalt when our entire military jet-engine fleet is dependent upon this metal. It seems to me that a small pilot program of the kind suggested by DOD makes good sense, and it provides the Nation with an invaluable insurance policy. Similar pilot programs are being proposed for ball-bearing production, something called metallized glass chaff and other materials necessary to defense production. But I want to emphasize that to my knowledge no final decisions have been made for going ahead with any large-scale production program for any particular material.

I do not believe, Mr. Speaker, that we want to subject the Congress to the kind of onerous and piecemeal inspection which the Senate amendments would very likely force on us. As the amendments are written, they would require the Congress to examine in detail individual actions which the executive agencies proposed to take under the title III authorities. that could involve taking individual proposed programs such as the ones I just described, in some cases very small ones, through all the steps of the legislative process—hearings, markup, floor consideration, perhaps conference. I do not believe we need or want this kind of minutiae.

Finally, Mr. Speaker, the Senate-passed bill would attempt to deal with the legislative veto problem in a way which might well not be in accord with how the House wants to approach the problem. The Banking Committee staff has identified legislation veto provisions in the existing DPA statute, and we intend to deal with this issue in concert with an approach adopted by all of the other committees of the House, under the leadership of the Rules Committee.

The House is now in the process of examining how to resolve the issue raised by the Chada decision—we certainly do not want to shortcut this process at this time.

Mr. Speaker, I move the adoption of a simple 2-year extension of the Defense Production Act. That is what my amendment would do, and I urge my colleagues to support it.

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

Mr. Speaker, it is said that this is a simple extension of the Defense Production Act. It has been in effect for 33 years and all that is involved here today is to extend it for a couple more years.

The fact of the matter is, that is not so simple. Let me say why. First of all, times change. Indeed, this act has been on the books since 1950 and it has been extended from time to time, but times changes.

In the last few years, there has been an effort here in the Congress that began, I guess in all fairness, with the rhetoric of the 1976 election campaign, when President Carter and others were talking about the need to constrain spending. So after much effort here in the Congress and elsewhere, there has been some progress made to constrain the growth of Federal spending; but the phenomenon that we have noticed during that same period of time is that as soon as we constrain Federal spending, we see that the creative applicants for Federal assistance have simply moved down the street to the lending window and the lending window is wide open. For it is just about as good to get a Federal loan or a loan guarantee or an interest subsidy or some sort of complicated buy-back or purchase agreement as it is to get a Federal grant, a Federal spending program.

As a matter of fact, it is just as good if you do not pay it back. We find in many instances that Federal loans and loan guarantees are not being paid back.

This entire problem is out of hand. Federal lending programs, such as we are discussing under title III here

today, are growing faster now than Federal spending programs.

I always say that twice. Federal lending programs are growing faster than Federal spending programs.

Now, if we were working in the old environment back when we could spend and spend and take care of everybody that way, then perhaps I would not be so concerned about this; but times have changed and the matter is not as simple as people think it is any more.

So this is not a simple proposition; let me lay that aside right now.

The GAO has looked carefully at this whole business of the Defense Production Act. The GAO has said that we ought to renew title I, but the GAO has also said that title III, that title which contains all the loans and loan guarantees, is not needed at this particular time.

□ 1320

No major catastrophe or disaster is going to occur if we do not extend title III. That is really what we are here today to talk about—title III, the part that includes all of those loans and loan guarantees and credit assistance programs.

The point that we need to remember about the old Defense Production Act is that the authorities are so broad that the Defense Department or enterprising legislators could finance just about anything they wanted to through those authorities if they get an appropriation—all they have to do is conjure up some justification that seems to be related to the national security interest. And let me point out to you that we are not talking anymore about developing raw materials. GAO notices that we are talking now about including intermediate and processed materials. Just imagine all of the instances where some enterprising Member of this body or the other body could think up that the widget that is manufactured in his district by the Acme Widget Co. is somehow related to the national security because it goes into one of the tanks or whatever. And that is exactly what can happen under the broad authorities that are here.

I think it is time that we think seriously about putting some limitations on this old Defense Production Act, because the authorities are too broad. I can assure you right now that there is money already in the appropriation process that can be funneled in here and used under these authorities. God knows what it will be used for, but it could be done. I assure you when we get to the appropriations process on this particular matter, there will be an effort made to put money in there and no one right now can say exactly what it will be for. But I rather suspect it is going to be for those corporate interests who are wanting subsidies for their companies, even though there is no justification for it. The GAO has written that there is no justification for the nine proposed projects that DOD is thinking about. And I would like to read to the Members a paragraph from a GAO statement made by Kevin Boland, the Senior Associate Director, when he testified in the other body.

In general, we found that the projects do not adequately justify the national security benefits to be derived and/or the economic cost associated with the Federal subsidy. For six of the projects, a weakness in the defense industrial base had not been identified. Moreover, the cost effectiveness of title III compared to other mitigating funding alternatives was not adequately justified for any of the nine projects.

So, what you have here is a bunch of greedy corporate interests who want to be subsidized, who do not want to play in the free market anymore. They want to come in and get their corporate welfare handout through this old Defense Production Act. And that is precisely what is going to happen. And upon study and reflection, GAO has said no, there is no justification for this. And they found that there was no reason why they should be permitted to take advantage of this particular act.

Now, one other point of caution here is that we are not just talking these days about DOD. In the past, we have always looked at the Defense Production Act as if we were only talking about the Defense Department. And so, a case could be made that if we monitor their activities out there and force them to establish criteria that we can determine whether or not the projects that they are trying to push through here are justified and whether they make sense economically.

But now it is known that other agencies—not DOD—other agencies are going to try to come in and cash in on the Defense Production Act. Most notably, FEMA—Federal Emergency Management Agency—is going to try to come in and justify subsidies for the cobalt industry. Now here is the rub.

The Defense Department has established in-house criteria by which GAO and others can measure whether or not there is a justification for what it is they seek in the way of subsidies for these businesses. The other agencies have not.

This bill in the House needs criteria built into the law so that we can force those other agencies to make an economic justification. This bill needs oversight. And if we do not do these kinds of things, my friends, we are just going to leave the door open and we are not going to have any way to monitor and control what I predict will be the latest vehicle for the corporate welfare interests to come in and fill their pockets with more and more credit assistance programs.

Mr. GREGG. Mr. Speaker, will the gentleman yield to me?

Mr. BETHUNE. I yield to the gentleman from New Hampshire.

Mr. GREGG. I thank the gentleman for yielding.

If I understand what you are saying, what you are asking us to do as a body is to not pass this on the Suspension Calendar but to bring this back so we can have some sort of rule where we will have the possibility of amending the bill, to allow us to address essentially defense funding and control defense spending and waste within the Defense Department.

Mr. BETHUNE. That is precisely what I am saying. In fact, the distinguished gentleman from New York, who I admire and have worked with on a number of issues, said himself that the criteria that were built into the Senate bill need more examination before we here in this body swallow it hook, line, and sinker, that there have been some changes taking place.

I think if what they did in the U.S. Senate needs more examination, it seems to me only reasonable that what we would do here in the House would need more examination than we can give it on suspension.

I have some amendments to offer to this bill. Others have amendments to offer to this bill. And it seems only reasonable that we ought to have an opportunity to do that.

Mr. GREGG. If the gentleman would yield further, is it not logical that those of us who are concerned about the defense dollar, because we are getting a tremendous amount of expression of interest from the electorate that the defense dollar may not be getting the best buy for the dollars spent, those of us who want to see a strong defense but also efficiently spent dollars, should want to take a second look at the Defense Production Act so that we can evaluate whether or not the concerns which you are raising, which have been pointed out specifically by GAO, which is the questionable standards by which contracts are being approved, where there may not be critical material needs or they have not set up standards which qualify materials as critical, those standards would be reviewed and we, as a Congress, can get a little tighter control over the billions of dollars we are spending not only in the appropriating process direct payment for defense but also now through the back door, through the credit process.

Mr. BETHUNE. It seems only reasonable to me, and particularly since on a February 22, 1983, memo from the Under Secretary of Defense for Research and Engineering:

DOD plans to request an additional $300 million authorization for fiscal year 1985 and reach a program sustaining level of $500 million annually beginning in fiscal 1986.

Now, to me, that is a lot of money. At least out in Arkansas it is a lot of money. We could almost run our whole State on that for 1 year.

What I am suggesting here is that this is being rushed through now on the suspension calendar, which is ordinarily reserved for noncontroversial matters. This bill is controversial in the House Banking Committee, House Armed Services Committee, House Appropriations Committee, Senate Banking, Armed Services, and Appropriations Committees.

I think the bill is not only substantively flawed for the reasons I have suggested, but I think the bill is procedurally flawed in that there are some legislative vetoes still in the 1950 act, and I do not know that those have been treated in any sensible way. We certainly should do that. So, I think we are rushing through here and being a little reckless and hasty with this particular bill.

Mr. GREGG. I just want to thank the gentleman for bringing this up. I think you clearly red-flagged this piece of legislation. You are not asking that we kill it outright. You are asking it just be taken off the Suspension Calendar so we, as a body, can address this issue of waste within the Defense Department and the specific GAO reports you are referring to. I think you have done us a service by bringing this up and noticing this to us. I would hope that the Members would join you in casting a vote to take this off the Suspension Calendar so we can get a consideration of it in the open House.

Mr. BETHUNE. I thank the gentleman.

I would say to all Members, those in the Chamber and others listening in, I did make the statement there is no justification, not adequate justification, for any of the nine projects which are on DOD's list. I made that statement, that was made in the other body by GAO. But I have in my hand the detail work that goes behind that which is classified "Secret." If Members wish to come by and pore over that to assure themselves that the projects that are on the table are simply not needed and will result in a ripoff to the taxpayer and corporate welfare, then I encourage them to come by and do so.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman has consumed 12 minutes.

Mr. LAFALCE. Mr. Speaker, I yield 4 minutes to the distinguished ranking minority member of the subcommittee, the gentleman from California (Mr. SHUMWAY) and I ask if he will yield to me.

Mr. SHUMWAY. Mr. Speaker, I am happy to yield to the gentleman from New York.

Mr. LAFALCE. First of all, with respect to the remarks of the gentleman from Arkansas and his opportunity to amend the bill, we went through a subcommittee process, we went through a full committee process, and there was more than ample opportunity for the gentleman, who is a member of both the subcommittee and the full committee, to offer whatever amendments he wished to at that time.

□ 1330

Second, the argument is advanced that we ought to have a bill on the floor that could be amended rather than on the Suspension Calendar.

We did have such a bill, H.R. 2782, a similar bill which was presented in the previous Congress. A quasi-filibuster was conducted against that bill, and the prospect of a quasi-filibuster against H.R. 2782 is what led myself and the distinguished ranking minority member of the subcommittee, the gentleman from California (Mr. SHUMWAY) to agree to proceed, not with a new bill, but with a simple 2-year extension.

I want to point out not only does the majority support this, but the ranking minority member of the subcommittee, Mr. SHUMWAY, the ranking minority member of the full committee, the gentleman from Ohio (Mr. WYLIE), the Reagan administration, and the Armed Services Committee, both the majority and the minority.

It is a very very small minority, primarily one person, that is opposing a simple 2-year extension of a law that has been on the books for 33 years, and which this administration says is absolutely necessary to conduct the Nation's defense business.

I thank the gentleman.

Mr. SHUMWAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the legislation before us which resolves the lengthy and sometimes controversial debate over the extension of the Defense Production Act by simply extending the act for 2 years, without amendment. As the House is undoubtedly aware, the DPA provides essential authorities for defense-related industrial readiness, and for other powers which might prove necessary in time of emergency.

While it is clear, in my view, that it is in the national interest that the DPA not expire, substantial controversy exists over the use of those title III authorities which provide for strategic materials projects. Many of us on the minority side, for instance, oppose H.R. 2782, legislation in the form of amendments to title III reported by the Banking Committee establishing an expensive new assistance program for small- and medium-sized businesses, and for skills training. At the same time, serious questions have been raised by the GAO, CBO, and others about the worthiness of DOD's $200 million title III strategic materials budget request for fiscal year 1984.

An additional question that has arisen in the context of the DOD budget request is whether or not the funding for projects pursuant to DPA title III must be specifically authorized. I have here two letters from Under Secretary of Defense Dick DeLauer. In his letter of June 9 to subcommittee Chairman LAFALCE, he asserted: "Since we are seeking an appropriation for purchase commitments of critical materials needed to support procurement of military weapons, we believe that 10 U.S.C. 138 requires a specific authorization prior to the appropriation of funds." However, in a letter dated September 27, DeLauer essentially reversed himself, stating that "we request * * * extension of existing title III authorities and appropriations of $200 million for title III in fiscal year 1984."

In view of the serious questions which now exist about the ways in which the Defense Department proposes to utilize title III of the DPA, as well as about the proper role of the Banking Committee in authorizing specific title III projects, the simple 2-year extension of the DPA proposed here seems an appropriate course of action. Adoption of this legislation will assure the continuation of the Defense Production Act itself, while allowing the Banking Committee to fully weigh the pros and cons of DOD's budget request, as well as the procedures for dealing with it, in a thorough fashion.

Although the gentleman from New York may not fully share my concern with this final point, I would also like to alert our colleagues on the Appropriations Committee that the appropriation of $50 million for DPA title III activities, as is now evidently being considered, seems quite premature in view of the problems described a moment ago. Until the Banking Committee—the committee with jurisdiction—has the opportunity to resolve the questions that now exist with regard to title III, I think it only makes sense that all such appropriations be deferred.

Mr. Speaker, the administration strongly supports S. 1852. I urge its adoption.

Mr. BETHUNE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, People always remember history differently, I suppose. But when you are in the minority, you always remember what happens in the committee because that is where you get rolled, that is where they have the votes in their pockets. So it is always a very important time for us.

And the floor is a very important time for members of the minority party, because ony here can we break out of the mindsets and trappings that control those committees, break

through the special interests and the lobbying forces of the mining interests, and the corporate interests, and everyone else who has their hand out, and who have got the pressure applied in the committee to work their will there. The floor is the only place where you can break out and have a good debate and a time to speak rationally to Members who are not bound by those trappings.

When this bill came through the subcommittee and through the full committee, the chairman of the full committee encouraged to let the bill go on out. I made a statement at that time, in the full committee that I would wait until we brought the bill to the floor, that I had some serious amendments and some good amendments.

So here we are, but we are here on suspension, and the gentleman from Arkansas cannot have his day in court, even though I have some good amendments that would prevent these handouts to the great corporate interests who are in such great need out there of assistance that they cannot find their way clear to do business without getting their hand in Uncle Sam's pocket.

Mr. LAFALCE. Mr. Speaker, I now yield 3 minutes to the distinguished ranking minority member of the full committee, the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise in support of this legislation to extend the Defense Production Act for 2 years.

While I recognize that there are currently many complex issues pertaining to the DPA now pending before Congress, and that there exists a wide variety of opinion about how the Defense Production Act should most appropriately be utilized, the fact remains that we must move promptly to extend the act. In the absence of any consensus on possible amendments to the act itself, the simple extension before us seems the logical way to proceed.

If this legislation is adopted, the Committee on Banking, Finance and Urban Affairs will then be in a position where necessary decisions on the Department of Defense's proposal for a $200 million strategic materials program can be made without the pressure of an expiring Defense Production Act complicating the situation.

Serious questions about DOD's budget requests pursuant to title III of the DPA do remain unanswered. In my view, however, the existence of such questions do not detract from the fact that the Defense Production Act itself must not be permitted to expire.

In this regard, it is my understanding that a lengthy lapse in the DPA would have a deleterious impact on the Defense Department's ability to procure and deploy needed components and weapons systems.

The administration strongly is in favor of the legislation before us today.

Mr. Speaker, I want to thank the chairman of the Economic Stabilization Subcommittee, my colleague from New York (Mr. LAFALCE) for his cooperation on this bill. He was not in favor of a 2-year extension at first. He has some amendments of his own to the Defense Production Act.

The administration would favor up to a 5-year extension, but the gentleman from New York (Mr. LAFALCE) has seen fit to compromise, and I for one appreciate it.

I would also like to thank my friend from California (NORM SHUMWAY) for his leadership on this issue.

I urge support for the pending legislation, Mr. Speaker, and yield back the balance of whatever time I might have.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Speaker, for almost 3 years the Banking Committee has been attempting to develop a program to revitalize the Nation's defense industrial base through amendments to the Defense Production Act. In the last Congress we conducted extensive hearings and made a persuasive case for our legislation. However, the Defense Industrial Base Revitalization Act was unable to get through the House for a number of reasons, not the least of which was a strong opposition led by some of my good friends on the committee with help from OMB.

I believed in that legislation and continued to hope that we pass something similar in this Congress. Although the deterioration of the defense industrial base continues today, I do not think that Congress is ready to pass such a program this year or next.

But our hearings and research into that broad area and the authority and uses of the Defense Production Act of 1950, lead me to believe that the Banking Committee should review the way the authority under the DPA is implemented. The Economic Stabilization Subcommittee can use this extension period to examine and report to the full committee proposals for amending the act. However, I find it inconceivable that we should be asked to accept the proposed Senate amendments without first examining their impact.

My own impression is that the affect of the amendments in S. 1852 as passed by the other body would totally gut the DPA. In addition, the bill would create a bureaucratic nightmare with resulting production and construction delays and inevitable cost overruns. The existing congressional oversight procedures are far better than those in the Senate bill and I urge the House to support a simple extension of the act.

S. 1852 as amended by the House provides for an extension of the Defense Production Act authority to September 30, 1985. The Defense Production Act has been amended and extended by each Congress since 1950. It is basically a preparedness measure which provides the President authority to institute and maintain a number of programs intended to improve the readiness of the Nation's industrial base in the event of a national emergency. The act also is the authority for our national defense mobilization program.

The Defense Production Act as amended is the Nation's sole authority for national defense preparedness and the cornerstone of the legal structure for our national preparedness program. On these grounds alone it is essential to our Nation's security that this act be extended without interruption.

The extension will get us through the election period so that any future recommendations will be free, I hope, of political pressures. The DPA is too important to our national security to be made a pawn of partisan interests. I urge my colleagues to adopt S. 1852 with the House amendment in the interest of maintaining a stable and strong national defense program.

□ 1340

Mr. BETHUNE. Mr. Speaker, I yield myself 2 minutes.

I thank the Speaker.

There has been an interesting history to this effort to try to get money for those who are involved in some of the wealthiest, most lucrative businesses in this country. It began last year, you will remember when we had the debate about the Defense Industrial Base Revitalization Act. We all called it DIBRA in those days. Do you remember that one? They came here and said they were going to put $5 billion, $5 billion into that project. They based it on the old Defense Production Act and the facts are they could have leveraged that $5 billion to make $50 billion in loans, loan guarantees, credit assistance, purchase contracts, commitments and stuff like that.

We beat that down. The House said "no" to that; figured it all out; said that is a ripoff. We beat it down.

So then they came back this time with the Defense Production Act and the budget this year, the administration's budget, and I attacked the administration on this point, included $200 million. I noticed that in that budget. I said what is that $200 million in there for? I raised that question out in the subcommittee that the gentleman chairs. We discovered that $200 million was allegedly for several DOD interests not the least of which was

the cobalt industry out in Idaho. And then when we got into it the hearing clearly showed that there was no justification for cobalt. So we started raising more questions.

Well now they are down to $50 million, but they are still coming. And if they get this $50 million they will be back for another $50. And as I read a little bit earlier, we had clearly a statement from the Defense Department saying they are looking for $500 million annually beginning in 1986. That is out-of-pocket money. If you leverage that and use it for interest subsidies and those kinds of things, you can multiply that by 10 in the impact that it has in the credit market. And we are all trying to find ways to keep the Government's encroachment in the credit market down. I suggest to you this is nothing more than the latest vehicle to try to reach into the pocket of the people by the big corporate interests.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in support of this 2-year authorization of the DPA authority.

They are very important authorities and I hope the House today will go on record overwhelmingly in support of them.

Mr. Speaker, we in this bill have had points of controversy with regard to the authority for loan guarantees, for purchase agreements, and vocational education as well as for various types of science and technology grants to colleges and universities.

That part of the bill has been removed because it was controversial.

The DOD requested some $200 million for fiscal year 1984, however this 2-year extension provides more of that request.

What the Department of Defense asked for in 1984 had nothing to do with cobalt incidentally. On the merit of DOD proposals some should be authorized for appropriation. These are evaluated as follows:

Noise quiet bearings: DOD is currently dependent on Japan where there are questions raised about the legitimacy of this export of military-related material.

These bearings are essential to our SSBN and SSN submarine forces. The first being the most survivable leg of the triad and the second is essential for the control of the seas which link the alliance.

At a time when the threat is increasing both qualitatively and quantitatively, we must be prepared to enhance both elements of our submarine force. Currently, noise quiet bearings production capacity is a bottleneck which inhibits increases in submarine procurement and also has a deleterious effect on the in-service rate of our submarines. The Department of Defense asked up to $20 million. The House should recommend up to $20 million.

Metallic coated glass chaff: One lesson of the Falklands is that the British force used more than the current yearly production of this vital item which protects aircraft against radar homing missiles. The great density of the Soviet antiair threat in Europe, the Middle East, and elsewhere makes this item essential to our national security. Current production capability bears no relation to wartime requirements. The DOD asked up to $15 million. The House should recommend up to $15 million.

Traveling wave tubes (TWT): These are used for jamming in electronic warfare. Physical performance of weapons systems has reached a plateau. Thus, electronic warfare is of increased importance. At present, money is wasted by overly short production runs. The DOD plan is to accelerate the buy, essentially providing a rolling inventory which will be available until a new generation of jammers—and increased demand—is required in the late 1980's. The program is a multiyear program, thus full funding is not needed in fiscal year 1984. The DOD asked up to $50 million. The House should recommend up to $25 million.

The total of the above recommendation is up to $60 million. Since these are maximum figures, the House should impose a limit of $50 million overall.

Some of the Department of Defense requests should be denied without prejudice until better data is supplied; these being:

Polyacrylonitrile (PAN): DOD makes a case for the need for PAN production expansion but the real need is 4 or 5 years away. Additionally, a food additive petition is before FDA regarding the use of PAN in soft drink bottles. If approved, this use of PAN would result in a vastly increased domestic production capability. DOD has not responded to queries as to the compatibility of food grade and aircraft grade PAN. DOD should explore the question of domestic PAN production with those companies which have submitted food additive petitions. DOD asked for $25 million.

Optical glass: Need has not been justified by DOD. DOD asked for $50 million.

Ammonium perchlorate: DOD admits that the expansion of this production can be achieved through means other than title III. DOD asked for $20 million.

Beryllium metal: DOD bases its case on old data. The case for beryllium is not urgent. Problems with the inertial upper stage (IUS) mean that the Peacekeeper system will not be fully capable until 1988–89. Thus, delays are acceptable. Also, the C–5B will use carbon brakes and the F–14D specification can be altered to eliminate beryllium. The F–16F/F–15E have been proposed as zero by the House Appropriations Committee staff.

Given the high civilian use of beryllium, remaining urgent problems can be solved through use of title I until the fiscal year 1985 request passes Congress. DOD asked $70 million.

It should be noted that depleted uranium and cobalt were in the 1983 reprograming money. According to a briefing by Richard Donnelly, Director Industrial Resources OUSD(R&E), the 1983 money for these programs has not been expended. Thus, there is no need for 1984 authorizations. In fact, I am told that the cobalt program is to be terminated by DOD. The specter of cobalt should therefore be laid to rest once and for all.

The next step was the removal of the uncontroversial, noncontroversial amendments, of course which were near and dear to my heart, in an effort to try to satisfy the concerns of critics because the basic concern was that the legislative clock had run out in terms of this DPA act. It has happened. The terms of the DPA authorities are very important.

There are many among us who feel deeply about the controversial and some of the noncontroversial amendments that we have worked and labored on in the Banking Committee with respect to DPA.

The fact of the matter is the arguments that are being presented in opposition to this bill today really are irrelevant because they are really tilting at windmills, they have won their battle with regard to the proposed amendments with regard to the new authorization. I hope we could come back and deal with these proposed changes and argue those particular points, both the noncontroversial and controversial points, but I really think it is inappropriate at this time to try to knock down the simple extension of the DPA act on that basis.

So I want to alert my colleagues to this.

Indeed, the authorities under the DPA have been important historically in terms of trying to maintain our defense industrial base. I think those authorities are important in the future; the authorities for instance to develop a master urgency list for vital and critical materials, to give them some sort of priority on that basis. But really the loan authority, the money authority, the other concerns that have been raised here, are simply not present in this extension.

Now some would rather open it up and have a full debate. But I think the lapsing of the act, the lapsing of the authority would do far more damage than any good that might come form that debate.

I hope at a later date we can readdress the authority and the other amendments to this act that we have all worked on.

I want to show my colleagues, whatever the intention is with regard to cobalt, there is a whole list of priorities with regard to what the needs are, what the DPA was or should be seeking to do.

I hope that some day we can have this important debate. But really that is misleading today. It does a disservice to this House. Certainly the authority that we have under DPA is critical legislation, to keep this functioning. There has not been time in the House to consider the more extensive amendments that have been suggested.

Interestingly enough, many of the concerns that are now coming to fruition, whether it is environmental concerns and other areas, were not even raised in the subcommittee with regard to this particular act. So I think that really they do a disservice to the process to begin to raise these issues at this point.

I think it is not a red flag that is being raised Mr. Chairman, it is rather a red herring.

The SPEAKER pro tempore. The time of the gentleman has expired.

The gentleman from New York (Mr. LAFALCE) has 4 minutes left and the gentleman from Arkansas (Mr. BETHUNE) has 4 minutes left.

Mr. BETHUNE. Mr. Speaker, I yield myself 2 minutes.

Just very quickly I want to point out that the argument here relies on a supposed need to bolster our national defense and national security. I, as a pro-defense Republican have gotten out on the line and tried to support the defense package, but when I notice who is involved in this one on the other side beating the drums saying we need this for defense I take it with a grain of salt. I am always a little suspicious as to whether it is really going to go for defense and national security or whether this it is going to go someplace else? That is an interesting question that I have.

On the environmental concerns there is a reason why there has been no elaborate discussion on that point. Whoever heard of the Committee on Banking and Currency caring about environmental concerns; whoever heard of the lobbyists who come to the Banking Committee caring about environmental concerns? But I guarantee you, when you get to the floor, those kinds of things have to be answered. And there are some people that are genuinely concerned about these mines that are going to be dug with Government money and what they are going to do to some of the environmental projects that are underway.

I will guarantee you that they are interested. And you can look at the letters they are circulating to the Members right now if you think they are not interested.

On title III, listen to what GAO says:

> Based on our current evaluation we believe that the loss of title III would not have an immediate impact on existing DOD programs.

In other words, you can forget the whole of title III because if it lapses it would not have any sort of impact.

□ 1350

What impact the lapse of title III will have is that it would get rid of this authority that they are going to start using to reach into the taxpayers' pocket.

And on the criteria, I think it is important that we try to narrow down and give some criteria so that we can judge whether or not FEMA and these other agencies, who are going to be serving these special interests and reaching into our pocket, have got some sort of economic justification.

We need that criteria in the law and we need oversight, because as I pointed out earlier, there are two legislative vetoes in this bill that we want to reenact which have been killed by the decision of the Supreme Court in INS versus Chadha, the decision which said that we cannot have the legislative vetoes.

Mr. LAFALCE. Mr. Speaker, it is my intention to reserve the remaining 4 minutes to myself for conclusion. Therefore, I leave it up to the gentleman from Arkansas (Mr. BETHUNE) to complete his remarks.

Mr. BETHUNE. Mr. Speaker, a moment ago in the heat of debate, I said that there was $200 million all for cobalt. We never could tell just exactly what they were going to use that money for when they came before the subcommittee. It was like trying to catch flies to get the DOD to try to tell us just exactly what they were going to use that money for.

But what we did discern is that they were going to use it in part for cobalt, which is not necessary according to the reports that I have and there is no justification for it. And we also learned that they had eight other projects they were interested in and GAO said there was no need for that.

So, I believe the point comes down to this. This bill is too broad, it is obviously controversial. We can see the arguments being made here on the floor and it has no business on the Suspension Calendar. It is not going to hurt if we let title III lapse. Somebody said we cannot let this bill lapse. It has lapsed. It lapsed a couple of days ago and the earth did not stop turning and the building did not cave in. It has lapsed before. So far as title II, is concerned GAO says it does not make any difference if we do not enact it for some time to come.

Title I we need to renew. But title III needs work because I will tell my colleagues it is the very vehicle which is going to be used by those corporate interests who managed to get themselves in a position to get them a champion here in the Congress to go out and try to get a subsidy for their particular business.

I urge Members to defeat it on suspension, give us an opportunity to put the kind of criteria and restrictions that the U.S. Senate put in their bill and that we are throwing out here in the interest of just doing something simple and that is reenacting the 1950 law.

It is not a simple proposition. Times have changed and if we do not do something now, here, right here in this place to fight on every front, to control these kinds of subsidies that are going through the lending window, we are going to be in big trouble and we are going to have a big headache. Because it is not the little people out there that are getting these subsidies today, it is the big fat-cat corporate interests, I will assure the Members of that.

Mr. LAFALCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me try to put this debate in some perspective.

We are dealing with the Defense Production Act, a law that was passed some 33 years ago. It was suggested by President Truman; it was adopted at that time as necessary to deal with defense production during the Korean war. There were seven titles to that act.

In the 1950's, four of those titles expired and have never been reauthorized. They included titles dealing with wage and price controls, labor dispute authority, credit allocation, and so forth. We are not talking about that now at all.

Three of the titles of the 1950 law have continued from 1950 to the present day, for 33 years. They have never existed for more than a 2-year period of time. They have been reauthorized every 2 years, never for more than a 2-year period of time.

Those titles have been reauthorized by Democratic Congresses and Republican Congresses. Authority for reenactment has been sought by Democratic Presidents and Republican Presidents.

Earlier this year, March 30, 1983, the Defense Production Act expired. There was a debate as to whether or not we should beef it up, make it stronger. I wanted to beef it up. And some said, "Oh, we should certainly not do that. Let's cut back its authority." And we could not resolve it. We were at impasse.

And I hope that reasonable men could get together and resolve the differences between March and September 30. So we extended the act until September 30. But, there could be no meeting of the minds between March 30 and September 30. As a matter of fact, it seemed as if individuals became even more entrenched in their positions.

We had another impasse. And I did not want to see the Defense Production Act expire. And I went to the distinguished ranking minority member of the subcommittee, the gentleman from California (Mr. SHUMWAY) and I did not like what he had decided, and he did not like what we had decided to do, because we were coming at it from different directions. I wanted to add to the President's authority under the DPA. He wanted to take back a little bit of that authority. But we said, let us work with the administration and let us just give them a simple 2-year extension, no add-ons, no subtractions. And then we will work on the DPA after that, but we will not let it lapse.

And that is what we are doing today. We are putting our differences behind us so that the authorities that the administration needs under the Defense Production Act, to determine priorities of contracts, to engage in demonstration programs and not just for cobalt at all, but for noiseless ball bearings, for metalized glass shaper, for metallic beryllium, for traveling wave tubes, et cetera, et cetera, can be carried out so that the defense of this Nation can be insured.

Now, at the very last minute, and I mean today, and all sorts of red herrings have been brought up. Oh, this concern with the bill, that concern with the bill. For 33 years the law has been in existence and I have not heard one environmental concern, for example, for the entire past year until today. Clearly, they are red herrings, clearly. The majority and the minority are in support of this bill except for a handful of dissenting voices. The administration is in support of this bill, not only DOD, but OMB and FEMA—I got a phone call today from the head of FEMA, Mr. Giuffrida, he said:

> We have got to have this bill, we have got to have it right away. It lapsed on Friday, we cannot continue to operate. Please get it passed today.

On behalf of the defense production of the United States, let us simply extend the Defense Production Act an additional 2 years, no adds-ons, no subtractions.

Mr. UDALL. Mr. Speaker, I strongly support a 2-year extension of the Defense Production Act. I also favor the prudent use of title III authorities to develop the Nation's ability to respond to an interruption of supplies of strategic minerals.

For several years, the Interior Committee has expressed concern about the U.S. economy in the event South Africa, Zaire, or other suppliers should prove unreliable. And, I think prudent analysts look upon the political situation in southern Africa as troubling.

We need to assess our own domestic supplies of cobalt, chrome, and other crucial minerals, and to get at them in an environmentally sound manner. The title III pilot plant program designed by the Defense Department is a reasonable, prudent investment—a good insurance policy for the Nation.

We finally have initiated action to secure our strategic minerals supplies. Without positive action on our part, this whole effort could come to a halt placing our economy in real jeopardy.

I urge my colleagues to support the DPA extension.

● Mr. PATTERSON. Mr. Speaker, I rise because I must reluctantly oppose the consideration under suspension of the rules of S. 1852, providing for an extension of the Defense Production Act.

Clearly, it is necessary to provide for an extension of this act in order to insure that critical defense capabilities are maintained. Nevertheless, any extension of the Defense Production Act must be done in a manner which will not encourage spending on projects of possibly dubious economic and military value.

The other body approved an extension of the Defense Production Act with amendments requiring specific congressional authorization for Defense Department actions under title III. We are being asked today to consider a straight 2-year reauthorization of the Defense Production Act, without any opportunity to consider the amendments of the other body or any variation of those amendments. I am opposing consideration of this legislation under suspension of the rules because I believe these amendments merit careful consideration. Congress should have the opportunity to review any Defense Department proposals to subsidize defense contractors in order to avoid opening the door to excessive and wasteful defense spending.

The title III authorities of the Defense Production Act have not been used in any significant manner since the Vietnam war. This year, the Defense Department has expresed renewed interest in exercising its authorities under title III. Serious concerns have been raised about whether the Defense Department should have the broad authority currently granted to it under the Defense Production Act, or whether it would not be more prudent to require congressional authorization for specific projects.

If the Defense Production Act is reauthorized for 2 years with the current broad authority intact, a variety of programs could be initiated before Congress has an opportunity to review this act again. I believe if we are going to provide a 2-year authorization, we should require the Defense Department to justify its specific proposals before Congress in order to insure that any spending under this act is truly essential.

Concerns have been raised that certain proposals under the Defense Production Act could have severe environmental impacts. In addition, some projects that will be low budget initially could prove to be exceedingly costly in the outyears. Without a guarantee that Congress will have an opportunity to review these programs throughly, we could pave the way to wasteful and unnecessary spending.

As one who supports a strong national defense, I believe we must insure that every defense dollar is spent for programs that will truly enhance our national security. We must be certain that we are not paying unnecessary subsidies for products that could be obtained more cheaply through other means.

I urge my colleagues to defeat this measure as a suspension so that it can be brought to the floor in a form permitting consideration of the amendments of the other body.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAFALCE) that the House suspend the rules and pass the Senate bill, S. 1852, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days 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 New York?

There was no objection.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DELLUMS), chairman of the Committee on the District of Columbia.

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENT REORGANIZATION ACT AMENDMENTS

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 3932), to amend the District of Columbia Self-Government and Governmental Reorganization Act, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 303(b) of the District of Columbia Self-Government and Governmental Reorganization Act is amended to read as follows:

"(b) An amendment to the charter ratified by the registered qualified electors shall take effect upon the expiration of the thirty-five-calendar-day period (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) following the date such amendment was submitted to the Congress, or upon the date prescribed by such amendment, whichever is later, unless, during such thirty-five-day period, there has been enacted into law a joint resolution, in accordance with the procedures specified in section 604 of this Act, disapproving such amendment. In any case in which any such joint resolution disapproving such an amendment has, within such thirty-five-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such thirty-five-day period, shall be deemed to have repealed such amendment, as of the date such resolution becomes law.".

(b)(1) The second sentence of section 412(a) of such Act is amended to read as follows: "Except as provided in the last sentence of this subsection, the Council shall use acts for all legislative purposes.".

(2) The last sentence of section 412(a) of such Act is amended to read as follows: "Resolutions shall be used (1) to express simple determinations, decisions, or directions of the Council of a special or temporary character; and (2) to approve or disapprove, when specifically authorized by act, proposed actions designed to implement an act of the Council.".

(c) The second sentence of section 602(c)(1) of such Act is amended to read as follows: "Except as provided in paragraph (2), such act shall take effect upon the expiration of the 30-calendar-day period (excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days) beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, or upon the date prescribed by such act, whichever is later, unless, during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(d) The third sentence of section 602(c)(1) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(e) The first sentence of section 602(c)(2) of such Act is amended by deleting "only if during such 30-day period one House of Congress does not adopt a resolution disapproving such act." And inserting in lieu thereof "unless, during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law."

(f) The second sentence of section 602(c)(2) is amended to read as follows: "The provisions of section 604, relating to an expedited procedure for consideration of joint resolutions, shall apply to a joint resolution disapproving such act as specified in this paragraph.".

(g) Section 604(b) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(h) Subsections (b) and (c) of section 740 of such Act are amended by deleting in each subsection the words "resolution by either the Senate or the House of Representatives" and inserting in lieu thereof "joint resolution by the Congress".

(i) Section 740(d) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(j) The amendments made by this section shall not be applicable with respect to any law, which was passed by the Council of the District of Columbia prior to the date of the enactment of the Act, and such laws are hereby deemed valid, in accordance with the provisions thereof, notwithstanding such amendments.

SEC. 2. Part F of title VII of such Act is amended by adding at the end thereof the following new section:

"SEVERABILITY

"SEC. 762. If any particular provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.".

SEC. 3. Section 164(a)(3) of the District of Columbia Retirement Reform Act is repealed.

□ 1400

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, beginning on line 18, strike subsection (b) and renumber the succeeding sections accordingly.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, beginning on line 17, strike Section 3 and insert in lieu thereof the following:

SEC. 3. Section 164(a)(3) of the District of Columbia Retirement Reform Act is amendment to read as follows:

"(3)(A) The Congress may reject any filing under this section within thirty days of such filing by enacting a joint resolution stating that the Congress has determined—

"(i) that such filing is incomplete for purposes of this part; or

"(ii) that there is any material qualification by an accountant or actuary contained in an opinion submitted pursuant to section 162(a)(3)(A) or section 162(a)(4)(B).

"(B) If the Congress rejects a filing under subparagraph (A) and if either a revised filing is not submitted within forty-five days after the enactment under subparagraph (A) rejecting the initial filing or such revised filing is rejected by the Congress by enactment of a joint resolution within thirty days after submission of the revised filing, then the Congress may, if it deems it in the best interests of the participants, take any one or more of the following actions:

"(i) Retain an independent qualified public accountant on behalf of the participants to perform an audit.

"(ii) Retain an enrolled actuary on behalf of the participants to prepare an actuarial statement.

The Board and the Mayor shall permit any accountant or actuary so retained to inspect whatever books and records of the Fund and the retirement program are necessary for performing such audit or preparing such statement.

"(C) If a revised filing is rejected under subparagraph (B) or if a filing required under this title is not made by the date specified, no funds appropriated for the Fund with respect to which such filing was required as part of the Federal payment may be paid to the Fund until such time as an acceptable filing is made. For purposes of this subparagraph, a filing is unacceptable if, within thirty days of its submission, the Congress enacts a joint resolution disapproving such filing.".

Mr. DELLUMS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill corrects a defect in the Home Rule Act that puts a cloud over the ability of the city to go to the bond market to sell its bonds. The cloud to which I refer, Mr. Speak-

er, is created by the U.S. Supreme Court decision in the so-called Chadha case insofar as that decision relates to the District of Columbia.

The Chadha case, more formally, is referred to as the Immigration and Naturalization Services against Chadha.

Mr. Speaker, with that brief explanation, I would indicate that the distinguished gentleman from the District of Columbia (Mr. FAUNTROY), who chairs the subcommittee of jurisdiction, will give a more lengthy presentation.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of H.R. 3932, a bill that seeks to remove the cloud created by the U.S. Supreme Court's decision in the Chadha case insofar as that decision relates to the District of Columbia.

That case, more formally styled as Immigration and Naturalization Service against Chadha, and related cases, is causing a dramatic change in the way the executive and legislative branches of the Federal Government relate to each other. Chadha held that congressional veto provisions embodied in several Federal statutes were unconstitutional. More specifically, the Court held that legislative action which has the effect of altering the legal rights, duties, and relations of persons outside the legislative branch must be embodied in actions of both Houses of Congress, then presented to the President for approval or disapproval. The Court further held that the invalid congressional veto provisions were severable and stuck only those parts of the statutes which contained them.

The D.C. Home Rule Act in several places contains provisions for congressional veto of acts of the District of Columbia Government. According to many experts, these provisions fail the constitutional test set down in Chadha. For example, the legislative veto provisions of the Home Rule Act were listed in Justice White's dissent in the Chadha case. Justice White, listed 56 acts of Congress which would be invalidated by the Court's decision. The legislative veto provisions of the Home Rule Act were also included in a more comprehensive list of 207 congressional veto provisions which the U.S. Department of Justice submitted to the Congress as failing the test for constitutionality as found in the Chadha decision. And the Congressional Research Service of the Library of Congress in special report issued July 5, 1983, concluded that the legislative veto provisions of the Home Rule Act were suspect under Chadha.

It is the considered opinion of the D.C. Committee, in consultation with the District Government, that corrective legislation is the best way to excise the District of Columbia Home Rule Act from the taint of Chadha.

The Chadha case was decided by the U.S. Supreme Court on June 23, 1983. Shortly after the decision, Members of the D.C. Committee met at an informal roundtable meeting with the Mayor of the District and the Chairman of the District of Columbia Council, along with several local Home Rule Act and constitutional experts, and staff from the Senate. Following the roundtable meeting, subsequent working meetings were held. The bill, H.R. 3932, was drafted as a result of those meetings and was introduced on September 20, 1983. An identical bill, S. 1858, was introduced in the Senate on the same day.

H.R. 3932 is a straightforward, nonsubstantive proposal containing technical amendments to the District of Columbia Home Rule Act, designed to conform to the mandates of Chadha. It does not eliminate congressional oversight of District-passed legislation. It does not reduce the time for congressional review. Indeed, with Presidential involvement, it has the potential of increasing the time of congressional review. Moreover, it does not change the manner in which the District of Columbia Committee functions in the event the Congress chooses to involve itself in acts of the D.C. Government.

It is, however, urgently needed. The District has been working diligently to get itself into the municipal bond market with a reasonable bond rating. In the wake of Chadah, the District has been unable to secure an "unqualified" legal opinion from bond counsel. The absence of an unqualified legal opinion would render any bond issue the District sought to make effectively unmarketable—no one would buy the bonds. The District has Housing Finance Agency bonds ready to go and will shortly be prepared to go to the market with other types of bonds. If our goal of terminating expensive borrowing by the District from the Federal Treasury is to be achieved, we must act to clean up the Chadha problem.

Mr. Speaker, the basic thrust of H.R. 3932 is simple. In each instance in the D.C. Home Rule Act where a legislative veto is allowed, it is stricken, and in its place is inserted the requirement for "joint resolution." The import of this change is that in order for the Congress to reject an act of the District of Columbia Council, both Houses of Congress must affirmatively act by joint resolution, and the joint resolution must be presented to the President.

So, at section 303(b) of the Home Rule Act, the requirement that District Charter amendment proposals be approved by concurrent resolution of the Congress under H.R. 3932, is changed to a requirement of joint resolution. At section 602(c)(1), the provision allowing for congressional rejection of D.C. Council acts by concurrent resolution is changed to require joint resolution. At section 602(c)(2), the provision allowing for one-House veto of criminal acts of the D.C. Council is changed to require a joint resolution to reject such acts. Section 740, which allows the President of the United States, in emergency conditions, to direct the Mayor to allow the use of the D.C. Metropolitan Police Force is changed in H.R. 3932 by requiring a joint resolution by Congress to terminate such use of the police rather than a simple resolution. And section 164(a)(3) of the D.C. Retirement Reform Act which allows the Congress to reject a report of the Retirement Board by simple resolution, is changed to joint resolution.

H.R. 3932 makes laws passed by the D.C. Council prior to its enactment valid and adds a new section to the Home Rule Act, section 762, which contains a severability provision. There are also certain other technical and conforming amendments.

Mr. Speaker, this bill does not go as far as I would like it to go. Repeal of the congressional review period altogether would have been a preferred approach. It is, however, a proposal that has widespread support, and it does cure the potential problems raised by Chadha with respect to District legislation.

Mr. Speaker, I urge the House to support H.R. 3932, an urgent matter for the District of Columbia—a bill which does not impede or impair congressional oversight of D.C. Government action.

□ 1410

Mr. McKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I would like to congratulate the chairman of the committee and the Delegate from the city of Washington for facing up to an issue which all of us are going to have to face up to on almost every piece of legislation in this Congress. I must say, within the confines of the District of Columbia, I find that the Constitution is rather clear but we, as members of this committee, often come in front of the Congress and usually I come to explain a bill passed by the District of Columbia.

Mr. Speaker, more often than not, when this Member has come to the floor to explain a bill dealing with the District of Columbia, my statements have included the word "unique." Normally, I use that term to describe the situation in which the city finds itself with respect to Congress. Today, however, I use the word unique to characterize the situation in which Congress and the Committee on the District of Columbia find itself, and to explain the urgency connected with H.R. 3932.

This bill seeks to address the problems created by the Supreme Court decision dealing with the process of congressional veto. I am not a lawyer, and therefore may be at a slight disadvantage in discussing the question of whether or not the Court decision should apply to dealings between Congress and the District of Columbia government. Yet even this non-lawyer recognizes the problem created by the fact that the Supreme Court made specific reference to portions of the Home Rule Act and the D.C. Retirement Reform Act in its decision.

I do not feel the intent of this legislation is to affirm the Court's decision, and thereby concede that the process Congress has utilized for the past 10 years is improper. I do not believe it is. It is this Member's position that the Court decision has created an uncertainty in the process of self-government, and something must be done very soon to avoid a virtual halt in the local legislative process. It is for that reason that I express by strong support for expeditious consideration and approval of this bill.

Mr. Speaker, despite what some may say to the contrary, the District of Columbia government is facing and dealing with the full array of problems that beset any municipality, and it is doing so on a daily basis. When the remedy to any of these problems involves legislation enacted by the Council, the implementation must be postponed while the proposal undergoes the congressional review period. Since the Supreme Court decision calls into question the very process of congressional review, any local act which is approved or rejected by the existing process could be the subject of litigation. That is a situation which cannot be allowed to continue any longer than necessary, because it results in absolute chaos within the District's business. Everything from a routine alley closing to changes required to bring local law into compliance with Federal laws and regulations is in jeopardy, not because of its purpose or content, but because of the process by which it is permitted to take effect.

The bill before us seeks to solve this dilemma, and it does so in the most straightforward manner possible. Quite simply, in each instance where Congress has given itself the authority to approve or disapprove local actions by a simple or concurrent resolution, the requirement for a joint resolution has been substituted. That is all that H.R. 3932, as reported, seeks to do, and it is the opinion of the legal experts involved that it does so in a manner which resolves the objections to congressional veto raised by the Court.

The bill as reported includes two committee amendments. As a result of these amendments, the bill covers only those portions of the Home Rule Act and the D.C. Retirement Reform Act referenced by the Court, and it handles all of those provisions in absolutely identical fashion.

Section 1 of the bill addresses itself to the sections of the Home Rule Act (Public Law 93-198, as amended) which make provisions for congressional approval or disapproval of local actions. In each such reference, the requirement for simple or concurrent resolutions in replaced with a requirement for a joint resolution. Language is added to each section so amended which explains what happens if the Congress has approved a joint resolution within the time period specified, and if the President has not signed the resolution into law until after that time period has expired. Simply put, should that ever happen, the local law is deemed to be repealed as of the date such resolution becomes law. These changes are made in the sections of the Home Rule Act dealing with the approval of Charter amendments; the approval of routine local legislation; the approval of local legislation dealing with the Criminal Code; approval of emergency use of local police by the President beyond 30 days; and the procedures by which Congress considers such resolutions. The final provision of section 1 has the dual purpose of providing an effective date for the new procedures contained in the bill, and validating local laws which have already undergone review under the old procedures.

Section 2 of the bill simply adds a standard severability clause to the Home Rule Act.

And finally, section 3 of the bill amends the section of the D.C. Retirement Reform Act which permits Congress to reject the annual report of the D.C. Retirement Board if it is found to be deficient. Such action will now require a joint resolution rather than a simple resolution.

I would additionally note that proposals to shorten the length of the congressional review period, or to remove the ability of one Member to discharge this committee, while enjoying the support of some Members, are absent from this bill. While such amendments might logically have been included, the importance of the overriding problem we are facing today has precluded any attempts to go beyond the minimum changes required.

Mr. Speaker, the amendments made by this bill will insure that the manner in which Congress reviews and acts upon local legislative proposals will not be called into question. It goes no further than that which is absolutely necessary to achieve that goal. And if approved, it will remove the possibility of calling into question the legality of every past and future action of the District of Columbia government. For these reasons, the bill deserves support, and I urge its passage.

● Mr. PHILIP M. CRANE. Mr. Speaker, for a decade now, the District of Columbia has enjoyed home rule as a result of the Home Rule Act of 1973. I believe that the Congress showed extreme constitutional permissiveness in granting to the D.C. Council the authority to draft tentative legislation which would become law unless disapproved by Congress within 30 legislative days. By not disapproving a piece of legislation presented by the Council, Congress gives its tacit approval of that legislation.

Now, however, there is a bill being considered that is meant to protect the city's home rule from possible court challenges which could arise from the Supreme Court's recent Chadha ruling, which declares legislative vetoes unconstitutional. Supporters of H.R. 3932 claim that this bill is necessary in order to safeguard home rule, but I believe that there are two points which are being ignored: First, congressional disapproval of tentative legislation presented by the Council is not a legislative veto; it is nothing more than a "simple and concurrent" resolution. Proponents of H.R. 3932 who claim that the authority of such disapproval could be challenged by the courts neglect to mention this fact. They have attempted to gain support for the bill by formenting unfounded and precipitated fears about potential disputes arising over the constitutionality of congressional disapproval when, in reality, resolutions of disapproval and vetoes are not even the same thing. Until this difference is clearly delineated, debate on this matter is destined to be both irrelevant and confusing.

Second, I would like to point out that not only is H.R. 3932 unnecessary to protect the Home Rule Act from judicial intervention, it also unduly strengthens home rule. By amending the current requirement of a simple and concurrent resolution for disapproval to a joint resolution, we are in effect positing greatly increased power in the hands of the D.C. Council. Whereas now a majority of only one House is needed to disapprove District bills, H.R. 3932 would make disapproval much more difficult and irksome by requiring a majority of both Houses as well as Presidential consent.

Therefore, I not only see no need for H.R. 3932, but I also find it somewhat alarming because of its effect on the D.C. Council's influence and strength.

The following letters from the Federation of Citizens Associations of the District of Columbia clarify these points.

FEDERATION OF CITIZENS ASSOCIATIONS
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., October 3, 1983.

Representative PHILIP CRANE,
House of Representatives,
Washington, D.C.

We are writing you urgently to express our opposition, under instructions of the Executive Board of our Federation, to the amendments included in H.R. 3932.

Our Federation opposes them because they incorrectly claim that the Supreme Court Decision in the Chadha case forbidding legislative vetoes of Executive Department actions also renders the present Home Rule Act unconstitutional.

As D.C. Council Chairman David A. Clarke conceded in his prepared testimony before the Senate Subcommittee on Governmental Efficiency and the District of Columbia, this is not true.

Under the present Home Rule Act Congress is not vetoing any Executive Branch act. It is merely carrying out is own constitutional duties under the Constitution's requirement for bicameral action. Under the rule, no legislation takes place unless and until each House has passed the identical Bill.

The Congress went to the utter limits of Constitutional permissiveness in granting the D.C. Council, its creature, the right on behalf of each House to draft tentative legislation which would become in effect Congressional provided that, after an elapse of thirty legislative days, the Congress gave its tacit consentive, in as much as neither House disapproved. Thus, there is no legislative veto involved since no legislation exists, the legislative process itself is incomplete until Congress has given its tacit approval, through inaction, or arrests the legislative process by an explicit disapproval.

We believe, moreover, that these amendments are themselves unconstitutional, giving the President a role, a right, to intervene unconstitutionally in the constitutional prerogatives of each House. Moreover, as you yourself must be keenly aware, recalling the House of Representative's disapproval of the 1980 Sex Reform Act, found repehensible to the overwhelming number of members of Congress, such a disapproval would be rendered impossible under these amendments. Moreover, the wise and timely interventions of members of the House in attempts of the Mayor to deny funds to D.C. retirement programs for firemen, police, teachers and judges would also become extremely difficult, if not impossible.

We beseech you to call these facts to the attention of the members of the House of Representatives.

For the Federation:

STEPHEN A. KOCZAK,
President.

J. GEORGE FRAIN,
First Vice President.

FEDERATION OF CITIZENS ASSOCIATIONS
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., September 26, 1983.

To Senators Charles McC. Mathias, Thomas Eagleton, and Members of Senate Government Operations Committee; Representatives Ronald V. Dellums, Walter E. Fauntroy, Stewart B. McKinney, and Members of Committee on the District of Columbia:

DEAR SENATORS AND REPRESENTATIVES: Under instructions of the Executive Board of the Federation of Citizens Associations of the District of Columbia, representing 23 citizens associations throughout the District, we transmit herewith the Federation's opposition to S. 1858 and H.R. 3932, companion Bills amending the District of Columbia Self-Government and Governmental Reorganization Act.

The Federation considers both of these Bills to be unconstitutional, in clear and patent violation of Article I, Section 8, subsection 17 of the U.S. Constitution.

The alleged reason for the introduction of these Bills is the Supreme Court decision, in Immigration and Naturalization Service versus Chadha, No. 80-1832 (June 23, 1983) holding unconstitutional the provision in the Immigration and Nationality Act by which one House of Congress could disapprove of the action of the Attorney General. The Court's decision was based on Article I, Section 7, Subsection 2 requiring bicameral action of the Congress.

On the inaccurate interpretation of this Supreme Court decision, Senators Mathias/Eagleton and Delegate Fauntroy introduced these Bills to overcome what they construe to be a "legislative veto" in "The Home Rule Act", P.L. Law 93-198, 87 Stat. 774.

There is one feature of the "Home Rule Act" which might render it unconstitutional. This is Title VI, Section 602(c)(1) which requires both Houses to disapprove of acts of D.C. Council. This requirement for action by both Houses is in violation of Article I, Section 8, Subsection 17 of the Constitution, in as much as no legislation is valid unless it comports with the right of either House to act.

When acting under the Home Rule Act, the D.C. Council is, under Constitutional theory, acting as a special committee of the Senate and of the House and the provisions of the Home Rule Act provide a tacit enactment by the Senate and the House of the legislation submitted unless there is an explicit disapproval. Under bicameral rules, neither House can be denied the right to give that binding explicit disapproval.

Our Federation has exercised restraint in seeking Congressional disapproval of D.C. Council acts under Section 602(c)(1) out of a decent and due deference to the deep desire of citizens of the District for the greatest latitude of home rule. Nevertheless, our Federation did successfully request disapproval under Section 602(c)(2) where the Constitutional requirement for bicameral action is mandated, that is, where either house has preserved its Constitutional right and privelege to withhold its own consent. We cite the House disapproval of the so-called D.C. Sex Reform Act of 1980 which the House overwhelmingly disapproved after we initiated action against it.

We remind the House and Senate that the experiences of the Continental Congress with the threat from armed military personnel influenced the drafters of the Constitution to exclude the President and the Executive Branch from any role whatsoever over the District of Columbia. The purpose of the "exclusive" jurisdiction reserved to Congress in Article I, Section 8, Subsection 17 is to prohibit the President, as Commander in Chief of the armed forces of the United States, even to be tempted to intimidate the Congress, to intrude by arbitrary force into Congressional independence and to coerce the Congress, or disregard it, in arbitrary or unauthorized use of the military forces in undeclared wars or military adventures at home and abroad.

Thus we are appalled that the very Senators and Representatives who are most critical of the President's apparent desire to disregard the War Powers Act, intended to require the President to comply with Section 8, Subsection (11) of Article I, introduced these Bills. Forcefully, we stress that the "exclusive" jurisdiction of Congress over the District of Columbia follows immediately after the Subsections dealing with war, armed forces, militia, and the appointment of military officers. Moreover, subsection 17 also states that the "exclusive" jurisdiction of the District arises from the same consideration as Congress's "exclusive" role over "all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings."

Bills S. 1858 and H.R. 3932 gratuitously and unconstitutionally vest powers in the President which the Constitution's framers have wisely denied to the Executive Branch. These Bills are a derogation of the powers of Congress itself and an attack upon its "exclusive" jurisdiction in its own house. Moreover, these Bills are also an attack upon the privileges of each House to act, or not to act, in all matters of legislation.

In fact, these Bills vest in the D.C. Council powers which the Congress may not, under the Constitution, vest in any other body. By requiring this cumbersome and unconstitutional means to set aside D.C. Council acts, these Bills unconstitutionally diminish the powers of Congress to be sovereign in its own territory.

We have read and find incomprehensible the "severability" clause in these Bills. We are led to conclude that the grave concern about the inability of students to read in elementary schools should be applied even more to lawyers and law schools. These Bills purport to protect the constitutionality of the "Home Rule Act" as it now exists. Yet, included in them is the absurd requirement to "sever" the very provisions to protect the Constitution from any action of the Court regarding these amendments. In effect, the Bills propose the implausible and absurd theory that one can "sever" the Constitution's applicability to the D.C. Council, which is a creature of the Congress.

Because of the precipitous actions of the two responsible committees, in the House and the Senate, we do not have more time to expand on our arguments. We note that in the House, Representative Dellums, consistent with his authoritarian and oligarchic disregard of the citizens of the District, has denied and foreclosed any prospect of our appearance to testify. On September 28, Representative Dellums, without any Hearings, is proceeding to "mark up" this Bill. This is consistent with his anti-democratic practices. We note that the Senate Committee does not intend to permit us to appear in person to testify against this Bill, which we consider unconstitutional.

Under instructions from our Executive Board, we lodge protests against these practices of both Committees. Moreover, we serve notice that, if these amendments pass, we shall file suit to declare the entire "Home Rule Act" unconstitutional because well-established Constitutional theory, based on the experience of the Continental Congress and the framers of the Constitution, compels us in "conscience" to oppose a patent violation of its provisions.

While on the subject of our own rights, we note that to date none of the authors of these Bills, or its supporters, have acknowledged receipt of earlier correspondence from us in which we challenged the constitutionality of the proposed draft of the con-

stitution for the proposed State of New Columbia. We would greatly appreciate acknowledgement of that correspondence.

We emphasize that we do have a proper respect for the honorable members of the Congress of the United States and that the expressions we have used are not intended in any way to diminish that respect. However, we have suffered long from the inattention of these two Committees to our most serious concerns for the Constitution and its safeguards.

Consequently, the repeated denials by these two Committees to allow us to appear have caused us to decide that, in the matter of this legislation which affects us both as citizens of the United States and as citizens and residents of the District of Columbia, we have no other choice but to state that we must go to court to declare these amendments and, we fear, the entire Home Rule Act unconstitutional.

Finally, we stress that the Supreme Court's decision regarding "legislative vetoes" is not relevant in the case of "Vetoes" of the President's and the Executive Branch's actions. Since the President has no Constitutional role in the District, the only Constitutional theory which applies is "bicameralism". In this case, "bicameralism" means that each House is free to act and concur, or not to act or concur, in any legislation affecting the District. Thus, the right to disapprove of any legislation by the D.C. Council is a right which each House has, particularly if that act of disapproval is explicit.

We have other arguments which, because of the precipitous actions of the Committees, we do not have time to record.

Since we are not permitted to testify, we ask that the record eventually sent to the floor of the House and the Senate contain the full text of this letter so that both Houses are aware of our very grave concerns, so grave that we will proceed as quickly as possible, if these amendments are passed, to challenge the constitutionality of the Home Rule Act as amended.

Sincerely,

For the Federation of Citizens Associations of the District of Columbia.

STEPHEN A. KOCZAK,
President.

J. GEORGE FRAIN,
First Vice President.

Mr. DELLUMS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

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

GENERAL LEAVE

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

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

There was no objection.

RAISING THE RETIREMENT AGE FOR JUDGES OF DISTRICT OF COLUMBIA COURTS

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 3655) to raise the retirement age for Superior Court judges in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1502 of title 11 of the District of Columbia Code is amended by striking out "70" and inserting in lieu thereof "74".

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, again, this is another straightforward proposition from the Committee on the District of Columbia. It simply raises the mandatory retirement age of the District of Columbia judges from 70 to 74.

I might add one other statement, Mr. Speaker, simply that this bill passed the full Committee on the District of Columbia without dissent.

It seems to me I have nothing else to add, Mr. Speaker. It is simply a straightforward proposition raising the retirement age of the judges from 70 to 74. The bill passed the full committee without dissent.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 3655 is an antiage discimination bill which raises the mandatory retirement age of District of Columbia judges from 70 to 74. It was introduced at the request of the court leadership. An identical measure has been introduced in the Senate.

The aim of H.R. 3655 is to increase the experience and maturity of those who sit on the bench in District of Columbia local courts by allowing persons who are ready, willing, and able, to serve beyond the age of 70. Age 70 is an artificial numerical factor and does not reflect intellectual stamina or the capacity to serve.

I believe whatever controversy surrounding this measure can be capsulized by stating that opponents of the measure ask "Why?" Whereas proponents ask "Why not?" Asking "why" is a fair question, and I will leave it to those who may oppose this measure to more fully explain the reasons for asking it. I shall attempt only to explain my reasons for believing "Why not" is a more compelling question.

There is no mandatory retirement age in the legislative branch of the District or Federal Governments nor is there a mandatory retirement age in the executive branch of the District of Federal Governments. The President of the United States, for example, is not forced to retire when he reaches a certain age. Moreover, there is no mandatory retirement age for Federal judges, including justices of the U.S. Supreme Court.

A survey of the States reveals that 28 have a mandatory retirement age of 70, while 5 States, Iowa, Indiana, Oregon, Texas, and Washington have a mandatory retirement age of 75. Six other States have mandatory retirement at ages of 71 and 72, while the 11 remaining States have no mandatory retirement age.

It is important to note that many of the mandatory retirement age statutes are antiquated and do not take into account the fact that good health and life spans have extended dramatically in recent years. Connecticut's statute was enacted in 1818. New Hampshire's statute became law in 1783.

At the hearing held by the District of Columbia Committee on this bill, statements were received from Chief H. Carl Moultrie of the D.C. Superior Court, D.C. Council Chairman David Clarke, Council member Wilhelmina Rolark, Chairman of the D.C. Council's Judiciary Committee, and the D.C. Corporation Counsel, Inez Reid. All indicated support for the measure.

In addition, a panel of lawyers from the District of Columbia testified that they personally supported increasing the retirement age. The panel included John Pickering, chairman of the D.C. Bar's Court Study Committee, Mr. Rufus King, chairman of the D.C. Bar's Court Committee, Mr. Iverson O. Mitchell, president of the Washington Bar Association, and Mr. John E. Scheuermann, from the D.C. Council on Court Excellence.

Mr. Speaker, why not change the current artificial numerical factor and allow our experienced and mature judges, who just happen to reach the age of 70, to stay on the job in active status? Why not—if there is no significant budgetary impact—do in the District as we do in the Federal judicial system, and allow judges to serve beyond the age of 70? Surely the D.C. Superior Court of the D.C. Court of Appeals is no more strenuous than the U.S. Supreme Court. Why not?

D.C. Superior Court Chief Judge H. Carl Moultrie put it best when he said, "* * * intellectual stamina is not decreased by age alone, and the complexity of the law and the legal environment in which it is applied, demands experience and maturity."

The court, Mr. Speaker, is the last place where discrimination of any kind should be tolerated.

EXPLANATION OF COMMITTEE AMENDMENT

The bill, H.R. 3655, was mistitled in that it referred only to raising the retirement age for D.C. Superior Court

judges. In fact, section 1502 of title II of the District of Columbia Code covers both D.C. Superior Court and D.C. Court of Appeals judges. The intent of the bill is to cover both.

The amendment changes the title to reflect the dual coverage.

□ 1420

Mr. McKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the gentleman from the District of Columbia, in his usual fashion, has done a thorough job of detailing the reasons for enacting this legislation. There is only one additional point I would like to make.

The reason we are here today considering this bill, which some might reasonably argue should be a local decision, is because in the Home Rule Act, Congress retained absolute authority over changes to title 11 of the District of Columbia Code dealing with the D.C. courts. As long as the Council is prohibited from enacting any legislation in this area, we will be coming to the floor with recommended changes to the local judicial system.

It is my hope that we can act on another matter related to the local courts as efficiently and quickly as we have in this instance. Just last week, this body approved the conference report on the District of Columbia Appropriations Act for fiscal year 1984. In that act, funding is provided for seven additional superior court judges to assist in reducing the case backlog. However, that funding is made subject to the enactment of authorizing legislation. I look forward to bringing such an authorization measure to the floor prior to the end of the session.

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as has been pointed out by the chairman, and the gentleman from the District of Columbia, this bill, H.R. 3655, is a technical bill that has no other effect than to raise the mandatory retirement age of D.C. judges from 70 to 74.

I had some reservations about this bill when it was first introduced, but these reservations have been dealt with at the committee level and I am now in support of the bill. There are a number of States which have a retirement age above 70 so this action is not unprecedented. I have a concern that judges over the age of 70 are more susceptible to certain disabilities than are younger jurists; but there is a commission on disability and tenure that is charged with constant oversight of all judges' competence.

As has been stated by the chairman this bill was reported by the Committee on the District of Columbia on a unanimous vote. I urge all of my colleagues to vote in favor of this bill.

I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered. The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the D.C. Court of Appeals."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within 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 California?

There was no objection.

MASHANTUCKET PEQUOT INDIAN LAND CLAIMS SETTLEMENT ACT

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1499) to settle certain claims of the Mashantucket Pequot Indians, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. McCAIN. Reserving the right to object, Mr. Speaker, would the gentleman briefly explain what is involved?

Mr. UDALL. Mr. Speaker, if the gentleman will yield under his reservation, as many Members will recall, a similar measure to settle the claims of the Mashantucket Pequot Indian Tribe of Connecticut was considered and approved by the Congress last year. That legislation was vetoed. In the meantime all interested parties—including the administration—have continued to try to resolve the problems. S. 1499 is the product of those efforts. It is a measure which is acceptable to all parties. It settles the claims of the tribe in return for certain land concessions by the State of Connecticut and $900,000 from the United States—all of which is in the 1984 Interior Department appropriations bill. The bill also extends Federal recognition to the tribe. Enactment of S. 1499 will end a legal dispute that has persisted far too long. I hope it is approved and signed into law.

Mr. McCAIN. Mr. Speaker, I thank the chairman for that explanation.

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

Mr. McCAIN. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I rise today to urge my colleagues in the House to again support the Mashantucket Pequot Indian Land Claims Settlement Act.

A similar bill was passed by the Senate by unanimous consent on February 23. It was then passed by the House of Representatives on March 22.

S. 1499 is the successor legislation to S. 366 which was vetoed on April 5, 1983 by President Reagan. The President directed the Secretary of the Interior to enter into negotiations with "the parties at interest" to determine an acceptable solution. S. 1499 is the product of these negotiations.

The terms of the new settlement are: An increased contribution from the State of Connecticut of some $200,000 worth of road construction within the Pequot Reservation. Total State contribution is 50 percent or $450,000; submission of a recognition petition by the Pequot Tribe to the Department of the Interior.

On July 19, 1983, the administration testified before the Senate Indian Affairs Committee that would not object to the enactment of S. 1499. This is the third time this bill has been before this Chamber and it must be approved with haste. The bill has been before both the House and Senate Budget Committees and has received a waiver from the Senate Budget Committee Wednesday. Senators WEICKER and DODD have just passed this bill under unanimous consent in the Senate. There are no more controversial points regarding this settlement.

The bill: Provides 800 acres of land in Ledyard, Conn.; establishes $900,000 trust fund to purchase the lands with additional 50-percent contribution by the State plus 20 acres of State land; grants the tribe Federal recognition; authorizes congressional consent and approval of prior transfers of land; and extinguishes tribal claims for damages.

I would like to thank the Senate majority leader, Mr. BAKER, for taking an interest in this settlement and for arranging for negotiations between the Connecticut congressional delegation and the White House.

I would also like to thank Senator ANDREWS, chairman of the Senate Select Committee on Indian Affairs for holding hearings on this matter.

Senators DODD and WEICKER deserve special appreciation for handling this legislation in the Senate. Chairman UDALL and ranking minority member, Representative LUJAN also deserve sincere thanks for helping with the pas-

sage of this bill both in the House Interior Committee and today.

It is my hope that my colleagues will assist the State of Connecticut in a final resolution of this land claim by supporting S. 1499.

Mr. McCAIN. Mr. Speaker, this legislation does have the support of the administration and all other parties affected by the Pequot claims. Although the compromise that it contains is the work of many people, I think it is appropriate to mention in particular the diligent efforts of the gentleman from Connecticut (Mr. GEJDENSON). He and the other members of the Connecticut delegation have done yeoman work in getting this settlement before the Congress. I join with them in urging the House to approve S. 1499.

Mr. UDALL. Mr. Speaker, I thank the gentleman.

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

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

There was no objection.

The Clerk read the Senate bill, as follow:

S. 1499

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 "Mashantucket Pequot Indian Claims Settlement Act".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(a) there is pending before the United States District Court for the District of Connecticut a civil action entitled "Western Pequot Tribe of Indians against Holdridge Enterprises Incorporated, et al., Civil Action Numbered H76-193 (D. Conn.)," which involves Indian claims to certain public and private lands within the town of Ledyard, Connecticut;

(b) the pendency of this lawsuit has placed a cloud on the titles to much of the land in the town of Ledyard, including lands not involved in the lawsuit, which has resulted in severe economic hardships for the residents of the town;

(c) the Congress shares with the State of Connecticut and the parties to the lawsuit a desire to remove all clouds on titles resulting from such Indian land claims;

(d) the parties to the lawsuit and others interested in the settlement of Indian land claims within the State of Conncecticut have reached an agreement which requires implementing legislation by the Congress of the United States and the Legislature of the State of Connecticut;

(e) the Western Pequot Tribe, as represented as of the time of the passage of this Act by the Mashantucket Pequot Tribal Council, is the sole successor in interest to the aboriginal entity generally known as the Western Pequot Tribe which years ago claimed aboriginal title to certain lands in the State of Conecticut; and

(f) the State of Connecticut is contributing twenty acres of land owned by the State of Connecticut to fullfill this Act. The State of Connecticut will construct and repair three sections of paved or gravel roadways within the reservation of the Tribe. The State of Connecticut has provided special services to the members of the Western Pequot Tribe residing within its borders. The United States has provided few, if any, special services to the Western Pequot Tribe and has denied that it had jurisdiction over or responsibility for said Tribe. In view of the provision of land by the State of Connecticut, the provision of paved roadways by the State of Connecticut, and the provisions of special services by the State of Connecticut without being required to do so by Federal law, it is the intent of Congress that the State of Connecticut not be required to otherwise contribute directly to this claims settlement.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Tribe" means the Mashantucket Pequot Tribe (also known as the Western Pequot Tribe) as identified by chapter 832 of the Connecticut General Statutes and all its predecssors and successors in interest. The Mashantucket Pequot Tribe is represented, as of the date of the enactment of this Act, by the Mashantucket Pequot Tribal Council.

(2) The term "land or natural resources" means any real property or natural resources, or any interest in or right involving any real property or natural resources, including without limitation minerals and mineral rights, timber and timber rights, water and water rights, and hunting and fishing rights.

(3) The term "private settlement lands" means—

(A) the eight hundred acres, more or less, of privately held land which are identified by a red outine on a map filed with the secretary of the State of Connecticut in accordance with the agreement referred to in section 2(d) of this Act, and

(B) the lands known as the Cedar Swamp which are adjacent to the Mashantucket Pequot Reservation as it exists on the date of the enactment of this Act, the secretary of the State of Connecticut shall transmit to the Secretary a certified copy of said map.

(4) The term "settlement lands" means—

(A) the lands described in sections 2(a) and 3 of the Act To Implement the Settlement of the Mashantucket Pequot Indian Land Claims as enacted by the State of Connecticut and approved on June 9, 1982, and

(B) the private settlement lands.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "transfer" means any transaction involving, or any transaction the purpose of which was to effect, a change in title to or control of any land or natural resources, and any act, event, or circumstance that resulted in a change in title to, possession of, dominion over, or control of land or natural resources, including any sale, grant, lease, allotment, partition, or conveyance, whether pursuant to a treaty, compact, or statute of a State or otherwise.

(7) The term "reservation" means the existing reservation of the Tribe as defined by chapter 824 of the Connecticut General Statutes and any settlement lands taken in trust by the United States for the Tribe.

APPROVAL OF PRIOR TRANSFERS; EXTINGUISHMENT OF ABORIGINAL TITLES AND INDIAN CLAIMS

SEC. 4. (a) Any transfer before the date of enactment of this Act from, by, or on behalf of the Tribe or any of its members of land or natural resources located anywhere within the United States, and any transfer before the date of enactment of this Act from, by, or on behalf of any Indian, Indian nation, or tribe or band of Indians of land or natural resources located anywhere within the town of Ledyard, Connecticut, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, including without limitation the Trade and Intercourse Act of 1970, Act of July 22, 1970 (ch. 33, sec. 4, 1 Stat. 137, 138), and all amendments thereto and all subsequent reenactments and versions thereof, and Congress hereby does approve and ratify any such transfer effective as of the date of said transfer.

(b) By virtue of the approval and ratification of a transfer of land or natural resources effected by subsection (a), any aboriginal title held by the Tribe or any member of the Tribe, or any other Indian, Indian nation, or tribe or band of Indians, to any land or natural resources the transfer of which was approved and ratified by subsection (a) shall be regarded as extinguished as of the date of such transfer.

(c) By virtue of the approval and ratification of a transfer of land or natural resources effected by this section, or the extinguishment of aboriginal title effected thereby, any claim (including any claim for damages for trespass or for use and occupancy) by, or on behalf of, the Tribe or any member of the Tribe or by any other Indian, Indian nation, or tribe or band of Indians, against the United States, any State or subdivision thereof or any other person which is based on—

(1) any interest in or right involving any land or natural resources the transfer of which was approved and ratified by subsection (a), or

(2) any aboriginal title to land or natural resources the extinguishment of which was effected by subsection (b),

shall be regarded as extinguished as of the date of any such transfer.

(d) Nothing in this section shall be construed to affect or eliminate the personal claim of any individual Indian (except for Federal common law fraud claim) which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(e)(1) This section shall take effect upon the appropriation of $900,000 as authorized under section 5(e) of this Act.

(2) The Secretary shall publish notice of such appropriation in the Federal Register when the funds are deposited in the fund established under section 5(a) of this Act.

MASHANTUCKET PEQUOT SETTLEMENT FUND

SEC. 5. (a) There is hereby established in the United States Treasury an account to be known as the Mashantucket Pequot Settlement Fund (hereinafter referred to in this section as the "Fund". The Fund shall be held in trust by the Secretary for the benefit of the Tribe and administered in accordance with this Act.

(b)(1) The Secretary is authorized and directed to expend, at the request of the tribe, the Fund together with any and all income accruing to such Fund in accordance with this subsection

(2) Not less than $600,000 of the Fund shall be available until January 1, 1985, for the acquisition by the Secretary of private settlement lands. Subsequent to January 1, 1985, the Secretary shall determine whether and to what extent an amount less than $600,000 has been expended to acquire private settlement lands and shall make that amount available to the Tribe to be used in

accordance with the ecomomic development plan approved pursuant to paragraph (3).

(3)(A) The Secretary shall disburse all or part of the Fund together with any and all income accruing to such Fund (excepting the amount reserved in paragraph (2)) according to a plan to promote the economic development of the Tribe.

(B) The Tribe shall submit an economic development plan to the Secretary and the Secretary shall approve such plan within sixty days of its submission if he finds that it is reasonably related to the economic development of the Tribe. If the Secretary does not approve such plan, he shall, at the time of his decision, set forth in writing and with particularity, the reasons for his disapproval.

(C) The Secretary may not agree to terms which provide for the investment of the Fund in a manner inconsistent with the first section of the act of June 24, 1938 (52 Stat. 1037), unless the tribe first submits a specific waiver of liability on the part of the United States for any loss which may result from such an investment.

(D) The Tribe may, with the approval of the Secretary, alter the economic development plan subject to the conditions set forth in subparagraph (B).

(4) Under no circumstances shall any part of the Fund be distributed to any member of the tribe unless pursuant to the economic development plan approved by the Secretary under paragraph (3).

(5) As the Fund or any portion thereof is disbursed by the Secretary in accordance with this section, the United States shall have no further trust responsibility to the Tribe or its members with respect to the sums paid, any subsequent expenditures of these sums, or any property other than private settlement lands or services pruchased with thse sums.

(6) Until the Tribe has submitted and the Secretary has approved the terms of the use of the Fund, the Secretary shall fix the terms for the administration of the portion of the Fund as to which there is no agreement.

(7) Lands or natural resources acquired under this subsection which are located within the settlement lands shall be held in trust by the United States for the benefit of the Tribe.

(8) Land or natural resources acquired under this subsection which are located outside of the settlement lands shall be held in fee by the Mashantucket Pequot Tribe, and the United States shall have no further trust responsibility with respect to such land and natural resources. Such land and natural resources shall not be subject to any restriction against alienation under the laws of the United States.

(9) Notwithstanding the provisions of the first section of the Act of August 1, 1888 (25 Stat. 357, chapter 728), as amended, and the first section of the Act of February 26, 1931 (46 Stat. 1421, chapter 307), the Secretary may acquire land or natural resources under this section from the ostensible owner of the land or natural resources only if the Secretary and the ostensible owner of the land or natural resources have agreed upon the identity of the land or natural resources to be sold and upon the purchase price and other terms of sale. Subject to the agreement required by the preceding sentence, the Secretary may institute condemnation proceedings in order to perfect title, satisfactory to the Attorney General, in the United States and condemn interests adverse to the ostensible owner.

(c) For the purpose of subtitle A of the Internal Revenue Code of 1954, any transfer of private settlement lands to which subsection (b) applies shall be deemed to be an involuntary conversion within the meaning of section 1033 of such Code.

(d) The Secretary may not expend on behalf of the Tribe any sums deposited in the Fund established pursuant to subsection (a) of this section unless and until he finds that authorized officials of the Tribe have executed appropriate documents relinquishing all claims to the extent provided by sections 4 and 10 of this Act, including stipulations to the final judicial dismissal with prejudice of its claims.

(e) There is authorized to be appropriated $900,000 to be deposited in the Fund.

JURISDICTION OVER RESERVATION

SEC. 6. Notwithstanding the provision relating to a special election in section 406 of the Act of April 11, 1968 (82 Stat. 80; 25 U.S.C. 1326), the reservation of the Tribe is declared to be Indian country subject to State jurisdiction to the maximum extent provided in title IV of such Act.

LIMITATION OF ACTIONS: FEDERAL COURT JURISDICTION

SEC. 7. (a) Notwithstanding any other provision of law, the constitutionality of this Act may not be drawn into question in any action unless such question has been raised in—

(1) a pleading contained in a complaint filed before the end of the one-hundred-and-eighty-day period beginning on the date of the enactment of this Act, or

(2) an answer contained in a reply to a complaint before the end of such period.

(b) Notwithstanding any other provision of law, exclusive jurisdiction of any action in which the constitutionality of this Act is drawn into question is vested in the United States District Court for the District of Connecticut.

(c) Any action to which subsection (a) applies and which is brought in the court of any State may be removed by the defendant to the United States District Court for the District of Connecticut.

(d) Except as provided in this Act, no provision of this Act shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, or to grant implied consent to any Indian, Indian nation, or tribe or band of Indians to sue the United States or any of its officers with respect to the claims extinguished by the operation of this Act.

RESTRICTION AGAINST ALIENATION

SEC. 8. (a) Subject to subsection (b), lands within the reservation which are held in trust by the Secretary for the benefit of the Tribe or which are subject to a Federal restraint against alienation at any time after the date of the enactment of this Act shall be subject to the laws of the United States relating to Indian lands, including section 2116 of the Revised Statutes (25 U.S.C. 177).

(b) Notwithstanding subsection (a), the Tribe may lease lands for any term of years to the Mashantucket Pequot Housing Authority, or any successor in interest to such Authority.

EXTENSION OF FEDERAL RECOGNITION AND PRIVILEGES

SEC. 9. (a) Notwithstanding any other provision of law, Federal recognition is extended to the Tribe. Except as otherwise provided in this Act, all laws and regulations of the United States of general application to Indians or Indian nations, tribes or bands of Indians which are not inconsistent with any specific provision of this Act shall be applicable to the Tribe.

(b) The Tribe shall file with the Secretary a copy of its organic governing document and any amendments thereto. Such instrument must be consistent with the terms of this Act and the Act to Implement the Settlement of the Mashantucket Pequot Indian Land Claim as enacted by the State of Connecticut and approved June 9, 1982.

(c) Notwithstanding any other provision of law, the Tribe and members of the Tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes as of the date of enactment of this Act.

OTHER CLAIMS DISCHARGED BY THIS ACT

SEC. 10. Except as expressly provided herein, this Act shall constitute a general discharge and release of all obligations of the State of Connecticut and all of its political subdivisions, agencies, departments, and all of the officers or employees thereof arising from any treaty or agreement with, or on behalf of the Tribe or the United States as trustee therefor.

INSEPARABILITY

SEC. 11. In the event that any provision of section 4 of this Act is held invalid, it is the intent of Congress that the entire Act be invalidated. In the event that any other section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections of this Act shall continue in full force and effect.

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

GENERAL LEAVE

Mr. UDALL. 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 passed.

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

There was no objection.

NATIONAL PARK SYSTEM PROTECTION AND RESOURCES MANAGEMENT ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 298 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2379.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2379) to provide for the protection and management of the national park system, and for other purposes, with Mr. PERKINS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, October 3, 1983, all time for general debate had expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 2379 is as follows:

H.R. 2379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Park System Protection and Resources Management Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) the natural and cultural resources of the national park system embrace unique, superlative and nationally significant resources, constitute a major source of pride, inspiration, and enjoyment for the people of the United States, and have gained international recognition and acclaim;

(2) the Congress has repeatedly expressed its intentions, in both generic and specific statute and by other means, that the natural and cultural resources of the national park system be accorded the highest degree of protection;

(3) many of the natural and cultural resources of the national park system are being degraded or threatened with degradation; and

(4) no comprehensive process exists for the gathering of data, the identification, analysis, and documentation of trends, and the identification of problems regarding the condition of the national park system's natural and cultural resources, and for the development of a program to prevent and reverse the degradation of the natural and cultural resources of the national park system.

PURPOSE AND POLICY

SEC. 3. In furtherance of the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), it is the purpose of this Act, and shall continue to be national policy, to provide for a high degree of protection and preservation of the natural and cultural resources within the national park system for the benefit of the public, and to provide for the interplay of the forces and processes of natural geological change and ecological succession in perpetuity (except for locations of development or where the historic scene is to be stabilized and depicted at a particular static point in time). In furtherance of that purpose and policy, it is the specific purpose of this Act to provide for the development of comprehensive management programs, and planning and decisionmaking processes which will—

(1) identify damage, threats, and problems affecting the natural and cultural resources of the national park system, and

(2) provide for the implementation of actions which will prevent and reverse such adverse forces so as to maximize the protection and preservation of the natural and cultural resources of the national park system.

Nothing in this section shall be deemed to constitute a change in the more specific purposes or provisions of the various Acts establishing the individual units of the national park system.

STATE OF THE PARKS REPORT

SEC. 4. (a) In furtherance of the provisions of section 3 of this Act, the Secretary shall undertake a continuing program of data collection, research, monitoring, analysis and documentation as to conditions, factors and forces which are degrading, or threatening to degrade, the natural and cultural resources of the national park system and shall prepare a biennial "State of the Parks" report. Such report shall constitute documentation of the condition of park resources, including problems related to their degradation and solutions to such problems. The report shall correlate to a fiscal year base and shall be transmitted by January 1, 1985 (and by January 1 of each odd numbered year thereafter), by the Secretary to the Speaker of the United States House of Representatives and to the President of the United States Senate for referral to and consideration by the appropriate legislative committees of the Congress. Successive reports shall update previous submissions. Each report shall be printed as a House document. The report shall include, but need not be limited to, the following major components:

(1) a brief description, for each individual unit of the national park system, of—

(A) the past, current, and projected condition of the unit's natural and cultural resources;

(B) the impact from identified factors and forces, ranked in order of priority, emanating from both inside and outside the unit, which damage or threaten to damage the welfare and integrity of the unit's natural and cultural resources, with identification of the trends and the severity of impact of such factors and forces;

(C) ongoing and planned protection and management actions, including specific research programs, with regard to subparagraphs (A) and (B) of this paragraph; and

(D) the accomplishments and results of the actions undertaken in accordance with subparagraph (C);

(2) a description and assessment of the systemwide efforts to address the requirements of paragraph (1) of this subsection, which assessment shall include a list of all personnel positions systemwide (given according to pay grade, location, and professional expertise of the incumbent) assigned 50 per centum or more of the time to direct resource protection, resource management activities or research, and an assessment of the effectiveness and adequacy of these personnel in meeting resource management objectives;

(3) a detailed and specific discussion, developed in accordance with the requirements of paragraphs (1) and (2) of this subsection, of continuing, newly implemented and/or recommended systemwide policies, plans, programs, actions, commitments, and accomplishments for both the direct management actions and the research programs of the National Park Service relating to the prevention and reversal of factors and forces which are altering or damaging, or threatening to alter or damage, the welfare and integrity of natural and cultural park resources, which discussion shall include, but not be limited to—

(A) management policies, directions, and priorities;

(B) accomplishments in and progress toward resolving specific problems described in the current and the previous State of the Parks report;

(C) continuing research projects;

(D) new administration and research proposals for park protection and resource management programs;

(E) an itemized estimate of the funding required for the following two fiscal years to carry out both the continuing and the new management actions and research programs;

(F) legal authority available for addressing damage and threats emanating from outside unit boundaries, the effectiveness of that authority in preventing damage to the natural and cultural resources, and suggestions for new authority which may promote resource protection; and

(G) the progress in meeting the objectives of this Act;

(4) a discussion of the adequacy of past and present congressional appropriations in addressing protection and resource management programs; and

(5) a determination and explanation of funding needs for fulfilling the mandates of this section.

(b) In the preparation of the State of the Parks report, the National Park Service shall take appropriate steps to solicit public involvement. A preliminary draft of the report shall be made available to the public for a period of thirty days for review and comment no less than three months before the final report is due for submission to the Congress. Notice of the availability of such draft for public review and comment shall be published in the Federal Register. A summary of public comments received shall be transmitted with the State of the Parks report.

SIGNIFICANT RESOURCE PROBLEMS

SEC. 5. The Secretary shall identify and establish priorities among at least the fifty most critical natural and the fifty most critical cultural resource problems or threats within the national park system and shall prepare a detailed analysis of such problems or threats (with an estimate of the funds necessary to reduce or eliminate the problems or threats). Such analysis shall be made annually and shall be submitted to the appropriate committees of the Congress on the same date as the submission of the President's budget to the Congress.

SCIENTIFIC ADVISORY ASSISTANCE

SEC. 6. (a) The Secretary shall take such steps as may be necessary to contract with the National Academy of Sciences for development of a plan for the National Park Service to conduct natural and cultural resources inventories and research directed to the problems of and the solutions for natural and cultural resource problems within the national park system.

(b) The plan required under subsection (a) shall be simultaneously submitted to the Secretary and to the appropriate committees of the Congress no later than eighteen months after the effective date of this Act. Three months and six months after the effective date of this Act, the Secretary shall submit to the appropriate committees of the Congress a written statement as to his progress in the consummation of arrangements with the National Academy of Sciences for the development of such a plan.

(c) Funding for such plan shall derive from funds specifically appropriated for this purpose to the National Park Service.

RESOURCE MANAGEMENT PLANS

SEC. 7. Resource management plans for each unit of the national park system, including areas within the national capital region, shall be prepared and updated no less frequently than every two years. Such plans shall address both natural and cultural resources of the park units and shall include, but not be limited to—

(1) a historical overview of the past composition, treatment, and condition of the resources;

(2) a statement of the purposes and objectives for the management and preservation of the individual and collective components of the resource base;

(3) an inventory of significant resources and their current condition, prepared in accordance with acceptable scientific baseline data collection methods;

(4) an identification of current and potential problems, emanating from sources both inside and outside park unit boundaries, associated with the protection and management of the resources;

(5) a comprehensive, detailed program of proposed actions to be taken to prevent or reverse the degradation of the natural and cultural resources of the park, including a proposed schedule of actions to be initiated and the estimated costs to complete such actions; and

(6) a brief summary of accomplishments in resolving resource problems identified pursuant to paragraphs (4) and (5) of this subsection.

General management and other relevant plans developed for each park unit shall be brought into conformity with the park unit's resource management plan, and the resource management plan shall be used to provide data for the State of the Parks report. The Secretary shall establish guidelines for the National Park Service setting forth procedures whereby the development of general management plans and resource management plans shall be coordinated with other affected Federal agencies, States, and local governments.

LAND CLASSIFICATION REVIEW

SEC. 8. The Secretary shall conduct a review of the current land classification system for the preservation and use of lands within national park system units, and shall adopt such revisions as may be appropriate to assure the protection of park resources, appropriately balanced with the use and appreciation of those resources by visitors. Such review shall include the development of a new classification for maximum resource protection where restricted use may be necessary to protect sensitive ecosystems and cultural resources or areas of special value for research, scientific, or related purposes. The review mandated by this section shall be completed and the results adopted by January 1, 1985.

INTERNATIONALLY RECOGNIZED AREAS

SEC. 9. (a) Those park units accorded the designation of "biosphere reserve" or "world heritage site" shall receive priority attention and consideration for prompt, heightened resource data collection, monitoring, and resource protection efforts. The Secretary shall develop a document, setting forth such policies and guidelines as are appropriate to achieve these objectives, to be published in draft form in the Federal Register no later than January 1, 1985 for public comment, and published in final form no later than April 30, 1985. Such document shall be revised subsequently as appropriate.

(b) It is the sense of the Congress that with respect to any international park located within the United States and any adjacent nation which has been recognized and designated as a Biosphere Reserve under the auspices of the international conservation community, the responsible park management officials of the United States and such nation, in conjunction with appropriate legislative and parliamentary officials, establish means and methods of ensuring that the integrity of such Biosphere Reserve is maintained, and the collective attributes for which it was so recognized and designated are accorded the highest practicable degree of continuing protection.

PUBLIC LAND MANAGEMENT

SEC. 10. (a) In any case of areas which are within any unit of the national park system, where the Secretary of the Interior is vested with any authority to—

(1) issue any lease;

(2) authorize or permit any use, occupancy, or development of such areas;

(3) sell or otherwise dispose of such lands or waters or interests therein or sell or otherwise dispose of any timber or sand, gravel, and other materials located on or under such areas,

he may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such national park system unit was established (including the scenery and the natural and cultural resources). Such determination shall be made only after notice and opportunity for a hearing on the record. The process for collecting needed information and evaluation thereof for this section or section 11 may be integrated with such planning and decisionmaking processes as are required by other law, except that the determination of the effect upon park resources shall be a separate document or a separate chapter within a document executed by the Secretary of the Interior or the head of any other Federal agency or instrumentality as may be required by this section or section 11.

(b) In any case of areas which are adjacent to any unit of the national park system, where the Secretary is vested with any authority described in subsection (a), the Secretary may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such national park system unit was established; except that if the Secretary determines that—

(1) any significant adverse effects on the values for which the national park system unit was established are clearly of lesser importance than the public interest value of the proposed action; and

(2) the exercise of such authority is fully consistent with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7), and specific provisions of law which established the affected national park system unit,

he may exercise such authority. The Secretary shall publish the record of such decision in the Federal Register and transmit copies of such decision documents to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives. The Secretary shall not implement such decisions until thirty legislative days after such transmittal.

(c) This section shall not apply to inland waters except those which the Federal Government owns.

FEDERAL PROGRAM REVIEW

SEC. 11. (a) Each agency or instrumentality of the United States conducting or supporting activities within or adjacent to any unit of the national park system shall, to the extent practicable, undertake to insure that those activities will not significantly degrade the natural or cultural resources or values for which the unit was established. Nothing in this subsection shall be deemed to give rise to a cause of action in any court of law.

(b) During the normal procedure utilized by any Federal agency in deciding to undertake or approve any Federal action (except such actions as may be required for maintenance or rehabilitation of existing structures or facilities) on areas within or adjacent to any unit of the national park system, the agency head (or the Secretary as determined pursuant to subsection (d) of this section), shall consider whether such action may degrade or threaten the natural or cultural resources of any such unit, and if the head of such agency finds that such action may have such an effect, he shall notify the Secretary in writing. Such notification shall, at a minimum, include a description of the proposed action, the proposed agency's views as to the potential short and long term impact of the proposed action on the park unit's resources, and any measures proposed by the agency to prevent or minimize adverse effects on such park unit's resources.

(c) The Secretary shall respond in writing with regard to the foreseeable impact on park resources of such proposed Federal action and shall include recommendations for any changes in the proposed Federal action needed to avoid adverse effects on park resources. Such response shall be submitted to the proposing Federal agency within sixty days after receipt of notification required by subsection (b). The response by the Secretary shall include (as an attachment) the views of professional personnel within the National Park Service whose expertise is relevant to the issue of the impact of such proposed action on park resources.

(d) In any instance in which the Secretary has not been notified of a Federal agency's proposed action and on his own determination finds that such action may threaten the natural or cultural resources of any unit of the national park system, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency head shall promptly provide the Secretary with the information specified in subsection (b), and any other relevant information in the possession of such agency if requested by the Secretary, and such notification by the Secretary pursuant to this subsection shall thereby invoke the other relevant provisions of this section.

(e) The Secretary shall fully consider any adopted city, county, State, or Federal comprehensive development plans or elements thereof and shall, if requested by the affected governmental unit, hold a public hearing prior to responding to the Federal agency if such response to the proposed action is to be negative. The hearings are to be held at or near the site of the proposed action or project after notification of the affected local government unit.

(f)(1)(A) In all cases where the proposed Federal action would occur upon federally owned lands or waters within the authorized boundary of a national park system unit, the proposing Federal agency shall comply fully with the recommendations of the Secretary.

(B) In all cases where the proposed Federal action would occur upon areas not owned by the Federal Government within the authorized boundary of a national park system unit, the proposing Federal agency shall fully consider the recommendations of the Secretary and shall comply with such rec-

ommendations, unless the head of such agency, after consideration of applicable law, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), and the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7) finds that the public interest in the proposed action is greater than the public interest in avoiding the adverse effects on the natural and cultural resources of the affected national park system unit. The proposing Federal agency shall, upon such determination publish the record of decision in the Federal Register and notify, in writing, the Secretary and the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of such decisions, including the reasons therefor, and shall not implement the proposed action for thirty legislative days after the date of such transmittal.

(2) In any case where the proposed Federal action involves areas adjacent to the boundary of a national park system unit, the proposing Federal agency shall fully consider the recommendations contained within the response from the Secretary. The proposing Federal agency shall transmit the details of the planned final course of action to the Secretary prior to implementing such action. In any instance in which there is substantial disagreement between the proposing agency's course of action and the Secretary's recommendations to the agency, the Secretary shall, within ten days) of receipt of the agency's planned final course of action, notify, in writing, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. The proposing Federal agency may proceed with the proposed final course of action at the time of transmittal to the Secretary, except that if the proposed final course of action is inconsistent with the recommendations of the Secretary, the proposed final course of action shall not be implemented for thirty legislative days after the date of such transmittal to the committees of Congress referred to in the preceding sentence.

(g) The Secretary shall publish promptly (but in all cases within ten days) in the Federal Register a notice of—

(1) receipt of any proposed Federal action, including a summary of the key components of the proposal and the location and availability of supporting documents, and

(2) notice of the response made by the Secretary to the proposing agency, including all recommendations made by the Secretary.

(h) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this section—

(1) those necessary for safeguarding of life and property;

(2) those necessary to respond to a declared state of disaster; and

(3) those necessary to respond to an imminent threat to national security.

(i) Any action under this Act must be brought in the United States district court for the district in which the national park system unit concerned is located, and such court shall have jurisdiction to provide any appropriate relief.

TECHNICAL ASSISTANCE, COOPERATION, AND PLANNING

SEC. 12. (a) The Secretary is directed to cooperate with, and is authorized to provide technical assistance to, any governmental unit within or adjacent to the units of the national park system where the results of such cooperation and assistance would likely benefit the protection of park resources. There shall be initiated, by the superintendent of each unit of the national park system, an effort to work cooperatively with all governmental agencies and other entities having influence or control over lands, resources, and activities within or adjacent to the park unit for the purpose of developing, on a voluntary basis, mutually compatible land use or management plans or policies for the general area.

(b) Those personnel assigned to provide assistance described in subsection (a) shall be employees of the National Park Service knowledgeable about the affected unit of the national park system and the resources that unit was authorized to protect.

(c) The Secretary is authorized to make grants to units of local government for the purposes described in subsection (a). Such grants shall not exceed $25,000 in any fiscal year to any unit of local government. The Secretary shall develop criteria for the awarding of grants, with such criteria to include priority for awards which will afford the greatest increased degree of protection to critically degraded or threatened park resources.

(d) There is authorized to be appropriated not more than $750,000 in each of fiscal years 1984, 1985, and 1986 for the purposes of this section. Such sums shall remain available until appropriated, and such sums as may be appropriated shall remain available until expended.

(e) Within one year after the date of enactment of this Act, no less than two park units in addition to all "biosphere reserves" and "world heritage sites", for each administrative region of the national park system shall have initiated the effort described in subsection (a). No more than two years after the date of enactment of this Act, each unit within the national park system shall have initiated such an effort.

(f) In no more than two years following the date of enactment of this Act, the Secretary shall assure that each unit, or each regional office for the region in which a unit is located, has on its staff at least one person who is trained and knowledgeable in matters relating to the provisions of this section, and whose principal duty it shall be to coordinate the activities which are related to the provisions of this section. The Secretary shall initiate, within no more than one year of the date of enactment of this Act, a training program for park personnel in the principles and techniques necessary to carry out the requirements of this section.

PUBLIC INFORMATION PROGRAM

SEC. 13. By January 1, 1984, the Secretary shall initiate and shall continue to develop, a public information program designed to inform park visitors and the public of the problems confronting the protection of park resources and the solutions being implemented to address those problems. Educational information of this nature shall be made available to youth groups and to educational institutions.

PERSONNEL

SEC. 14. The Secretary shall promptly and continually take actions to assure that the staffing of the National Park Service provides for an adequate number and distribution of personnel with sufficient scientific and professional knowledge and expertise to provide for the protection and management of the natural and cultural resources. Scientific research shall be directed to the resource protection and management needs of the park system units. Programs, guidelines, and standards for the following shall be under development by no later than January 1, 1984, and completed no later than January 1, 1985:

(1) employee training programs in resource protection and resource management;

(2) performance standards for all employees as related to resource protection and resource management;

(3) qualification criteria related to resource protection and resource management for positions to be filled by new employees; and

(4) career ladders for employees specializing in resource protection and resource management, with equitable promotion opportunities for advancement into mid-level and senior general management positions.

GENERAL MANAGEMENT PLANS

SEC. 15. Section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7) is amended by inserting the following at the end of the first sentence: "Each such plan shall be reviewed, revised and approved no less frequently than every ten years or it shall cease to constitute an officially approved plan. All plans not fully addressing all of the following elements on January 1, 1984, shall be revised and approved to so address all such elements by no later than January 1, 1988.".

DONATIONS

SEC. 16. (a) In the case of real property located adjacent to, or within or in the near vicinity of, any unit of the national park system if—

(1) the owner of any interest in such property desires—

(A) to make a contribution of such interest to any person, and

(B) to have such contribution qualify as a charitable contribution under section 170 of the Internal Revenue Code of 1954 (relating to deduction for charitable, etc., contributions and gifts), and

(2) the Director of the National Park Service determines that the contribution of such interest to such person will protect or enhance the unit of the national park system,

the Director of the National Park Service shall, upon such owner's written request, promptly take appropriate steps to assist the owner in satisfying the requirements of such section 170 with respect to such contribution.

(b) The assistance provided by the Director of the National Park Service under subsection (a) shall include (but shall not be limited to) providing for—

(1) a professional valuation of the interest in real property being contributed, and

(2) a statement as to the importance of such contribution related to protecting and enhancing park unit values.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT PRIORITY

SEC. 17. In all cases where the Secretary determines that the provisions of this Act are in conflict with the provisions of the Act of December 2, 1980 (16 U.S.C. 3101-3233), the provisions of the Act of December 2, 1980 (16 U.S.C. 3101-3233) shall prevail.

DEFINITIONS

SEC. 18. As used in this Act, the term—

(1) "Appropriate committees of the Congress" means those committees of both the House and the Senate which have primary jurisdiction for the authorization of national park system units and programs or for the appropriation of funds for the acquisition and operations of such units and programs.

(2) "Secretary" means the Secretary of the Interior acting through the Director of the National Park Service except where specific reference is made to the Secretary of the Interior.

(3) "Resource" and "resources" includes—

(A) in the case of natural resources, the geology, paleontological remains, and flora and fauna which are principally of indigenous origin, and

(B) in the case of cultural resources, the historic and prehistoric districts, sites, buildings, structures, objects and human traditions associated with or representative of human activities and events, including related artifacts, records and remains.

(4) "National park system" has the meaning provided by section 2 of the Act of August 8, 1953 (16 U.S.C. 1b-1c).

(5) "Federal action" means any Federal project or direct action, or any Federal grant or loan to a public body.

(6) The term "thirty legislative days" means thirty calendar days of continuous session of Congress. For purposes of this paragraph—

(A) continuity of session of Congress is broken only by an adjournment sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

SAVINGS PROVISION

SEC. 19. Nothing in this Act shall be construed to exempt the Secretary of the Interior, the Director of the National Park Service, or any other department, agency, or instrumentality of the United States from compliance with any other requirement of law.

AUTHORIZATION OF APPROPRIATIONS

SEC. 20. Effective October 1, 1983, there is hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out the provisions of this Act.

COMPLIANCE WITH BUDGET ACT

SEC. 21. Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983. Nothing in this section shall be construed to affect or impair any authority to enter into contracts, incur indebtedness, or make payments under any other provision of law.

The CHAIRMAN. Pursuant to the rule, it shall be in order to consider, in lieu of the amendments recommended by the Committee on Interior and Insular Affairs, an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of August 2, 1983, by Representative UDALL, if offered by Representative UDALL or his designee, prior to the consideration of any other amendments to the bill, and said substitute shall be considered as having been read.

The Chair now recognizes the distinguished chairman of the committee, the gentleman from Arizona (Mr. UDALL).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment in the nature of a substitute, which is printed in the RECORD of August 2, 1983, as is provided in the rule.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. UDALL:

Page 2, line 3, strike all after the enacting clause and insert the following in lieu thereof:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Park System Protection and Resources Management Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) the natural and cultural resources of the national park system embrace unique, superlative and nationally significant resources, constitute a major source of pride, inspiration, and enjoyment for the people of the United States, and have gained international recognition and acclaim;

(2) the Congress has repeatedly expressed its intentions, in both generic and specific statute and by other means, that the natural and cultural resources of the national park system be accorded the highest degree of protection;

(3) many of the natural and cultural resources of the national park system are being degraded or threatened with degradation; and

(4) no comprehensive process exists for the gathering of data, the identification, analysis, and documentation of trends, and the identification of problems regarding the condition of the national park system's natural and cultural resources, and for the development of a program to prevent and reverse the degradation of the natural and cultural resources of the national park system.

PURPOSE AND POLICY

SEC. 3. In furtherance of the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), it is the purpose of this Act, and shall continue to be national policy, to provide for a high degree of protection and preservation of the natural and cultural resources within the national park system for the benefit of the public, and to provide for the interplay of the forces and processes of natural geological change and ecological succession in perpetuity (except for locations of development or where the historic scene is to be stabilized and depicted at a particular static point in time). In furtherance of that purpose and policy, it is the specific purpose of this Act to provide for the development of comprehensive management programs, and planning and decision making processes which will—

(1) identify damage, threats, and problems affecting the natural and cultural resources of the national park system, and

(2) provide for the implementation of actions which will prevent and reverse such adverse forces so as to maximize the protection and preservation of the natural and cultural resources of the national park system.

Nothing in this section shall be deemed to constitute a change in the more specific purposes or provisions of the various Acts establishing the individual units of the national park system.

STATE OF THE PARKS REPORT

SEC. 4. (a) In furtherance of the provisions of section 3 of this Act, the Secretary shall undertake a continuing program of data collection, research, monitoring, analysis and documentation as to conditions, factors and forces which are degrading, or threatening to degrade, the natural and cultural resources of the national park system and shall prepare a biennial "State of the Parks" report. Such report shall constitute documentation of the condition of park resources, including problems related to their degradation and solutions to such problems. The report shall correlate to a fiscal year base and shall be transmitted by January 1, 1985 (and by January 1 of each odd numbered year thereafter), by the Secretary to the Speaker of the United States House of Representatives and to the President of the United States Senate for deferral to and consideration by the appropriate legislative committees of the Congress. Successive reports shall update previous submissions. Each report shall be printed as a House document. The report shall include, but need not be limited to, the following major components:

(1) a brief description, for each individual unit of the national park system, of—

(A) the past, current, and projected condition of the unit's natural and cultural resources;

(B) the impact from identified factors and forces, ranked in order of priority, emanating from both inside and outside the unit, which damage or threaten to damage the welfare and integrity of the unit's natural and cultural resources, with identification of the trends and the severity of impact of such factors and forces;

(C) ongoing and planned protection and management actions, including specific research programs, with regard to subparagraphs (A) and (B) of this paragraph; and

(D) the accomplishments and results of the actions undertaken in accordance with subparagraph (C);

(2) a description and assessment of the systemwide efforts to address the requirements of paragraph (1) of this subsection, which assessment shall include a list of all personnel positions systemwide (given according to pay grade location, and professional expertise of the incumbent) assigned 50 per centum or more of the time to direct resource protection, resource management activities or research, and an assessment of the effectiveness or adequacy of these personnel in meeting resource management objectives;

(3) a detailed and specific discussion, developed in accordance with the requirements of paragraphs (1) and (2) of this subsection, of continuing, newly implemented and/or recommended systemwide policies, plans, programs, actions, commitments, and accomplishments for both the direct management actions and the research programs of the National Park Service relating to the prevention and reversal of factors and forces which are altering or damaging, or

threatening to alter or damage, the welfare and integrity of natural and cultural park resources, which discussion shall include, but not be limited to—

(A) management policies, directions, and priorities;

(B) accomplishments in and progress toward resolving specific problems described in the current and the previous State of the Parks report;

(C) continuing research projects;

(D) new administration and research proposals for park protection and resource management programs;

(E) an itemized estimate of the funding required for the following two fiscal years to carry out both the continuing and the new management actions and research programs;

(F) legal authority available for addressing damage and threats emanating from outside unit boundaries, the effectiveness of that authority in preventing damage to the natural and cultural resources, and suggestions for new authority which may promote resource protection; and

(G) the progress in meeting the objectives of this Act;

(4) a discussion of the adequacy of past and present congressional appropriations in addressing protection and resource management programs; and

(5) a determination and explanation of funding needs for fulfilling the mandates of this section.

(b) In the preparation of the State of the Parks report, the National Park Service shall take appropriate steps to solicit public involvement. A preliminary draft of the report shall be made available to the public for a period of thirty days for review and comment no less than three months before the final report is due for submission to the Congress. Notice of the availability of such draft for public review and comment shall be published in the Federal Register. A summary of public comments received shall be transmitted with the State of the Parks report.

SIGNIFICANT RESOURCE PROBLEMS

SEC. 5. The Secretary shall identify and establish priorities among at least the fifty most critical natural and the fifty most critical cultural resource problems or threats within the national park system and shall prepare a detailed analysis of such problems or threats (with an estimate of the funds necessary to reduce or eliminate the problems or threats). Such analysis shall be made annually and shall be submitted to the appropriate committees of the Congress on the same date as the submission of the President's budget to the Congress.

SCIENTIFIC ADVISORY ASSISTANCE

SEC. 6. (a) The Secretary shall take such steps as may be necessary to contract with the National Academy of Sciences for development of a plan for the National Park Service to conduct natural and cultural resources inventories and research directed to the problems of and the solutions for natural and cultural resource problems within the national park system.

(b) The plan required under subsection (a) shall be simultaneously submitted to the Secretary and to the appropriate committees of the Congress no later than eighteen months after the effective date of this Act. Three months and six months after the effective date of this Act, the Secretary shall submit to the appropriate committees of the Congress a written statement as to his progress in the consummation of arrangements with the National Academy of Sciences for the development of such a plan.

(c) Funding for such plan shall derive from funds specifically appropriated for this purpose to the National Park Service.

RESOURCE MANAGEMENT PLANS

SEC. 7. Resource management plans for each unit of the national park system, including areas within the national capital region, shall be prepared and updated no less frequently than every two years. Such plans shall address both natural and cultural resources of the park units and shall include, but not be limited to—

(1) a historical overview of the past composition, treatment, and condition of the resources;

(2) a statement of the purposes and objectives for the management and preservation of the individual and collective components of the resource base;

(3) an inventory of significant resources and their current condition, prepared in accordance with acceptable scientific baseline data collection methods;

(4) an identification of current and potential problems, emanating from sources both inside and outside park unit boundaries, associated with the protection and management of the resources;

(5) a comprehensive, detailed program of proposed actions to be taken to prevent or reverse the *degradation* of the natural and cultural resources of the park, including a proposed schedule of actions to be initiated and the estimated costs to complete such actions; and

(6) a brief summary of accomplishments in resolving resource problems identified pursuant to paragraphs (4) and (5) of this subsection.

General management and other relevant plans developed for each park unit shall be brought into conformity with the park unit's resource management plan, and the resource management plan shall be used to provide data for the State of the Parks report. The Secretary shall establish guidelines for the National Park Service setting forth procedures whereby the development of general management plans and resource management plans shall be coordinated with other affected Federal agencies, States, and local governments.

LAND CLASSIFICATION REVIEW

SEC. 8. The Secretary shall conduct a review of the current land classification system for the preservation and use of lands within *national* park system units, and shall adopt such revisions as may be appropriate to assure the protection of park resources, appropriately balanced with the use and include the development of a new classification for maximum resource protection where restricted use may be necessary to protect sensitive ecosystems and cultural resources or areas of special value for research, scientific, or related purposes. The review mandated by this section shall be completed and the results adopted by January 1, 1985.

INTERNATIONALLY RECOGNIZED AREAS

SEC. 9. (a) Those park units accorded the designation of "biosphere reserve" or "world heritage site" shall receive priority attention and consideration for prompt, heightened resource data collection, monitoring, and resource protection efforts. The Secretary shall develop a document, setting forth such policies and guidelines as are appropriate to achieve these objectives, to be published in draft form in the Federal Register no later than January 1, 1985 for public *comment*, and published in final form no later than April 30, 1985. Such document shall be revised subsequently as appropriate.

(b) It is the sense of the Congress that with respect to any international park located within the United States and any adjacent nation which has been recognized and designated as a Biosphere Reserve under the auspices of the international conservation community, the responsible park management officials of the United States and such nation, in conjunction with appropriate legislative and parliamentary officials, establish means and methods of ensuring that the integrity of such Biosphere Reserve is maintained, and the collective attributes for which it was so recognized and designated are accorded the highest practicable degree of continuing protection.

PUBLIC LAND MANAGEMENT

SEC. 10. (a) In any case of areas which are within any unit of the national park system, where the Secretary of the Interior is vested with any authority to—

(1) issue any lease;

(2) authorize or permit any use, occupancy, or development of such areas;

(3) sell or otherwise dispose of such lands or waters or interests therein or sell or otherwise dispose of any timber or sand, gravel, and other materials located on or under such areas. he may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such *national* park system unit was established (including the scenery and the natural and cultural resources). Such determination shall be made only after notice and opportunity for a hearing on the record. The process for collecting needed information and evaluation thereof for this section or section 11 may be integrated with such planning and decisionmaking processes as are required by other law, except that the determination of the effect upon park resources shall be a separate document *or a separate chapter within a document* executed by the Secretary of the Interior or the head of any other Federal agency or instrumentality as may be required by this section or section 11.

(b) In any case of areas which are adjacent to any unit of the national park system, where the Secretary is vested with any authority described in subsection (a), the Secretary may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such national park *system* unit was established; except that if the Secretary determines that—

(1) any significant adverse effects on the values for which the national park *system* unit was established are clearly of lesser importance than the public interest value of the proposed action; and

(2) the exercise of such authority is fully consistent with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7), and specific provisions of law which established the affected national park *system* unit,

he may exercise such authority. The Secretary shall publish the record of such decision in the Federal Register and transmit copies of such decision documents to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Af-

fairs of the United States House of Representatives. The Secretary shall not implement such decisions until thirty legislative days after such transmittal.

(c) This section shall not apply to inland waters except *those which the Federal Government owns.*

FEDERAL PROGRAM REVIEW

SEC. 11. (a) Each agency or instrumentality of the United States conducting or supporting activities within or adjacent to any unit of the national park system shall, to the extent practicable, undertake to insure that those activities will not significantly degrade the natural or cultural resources or values for which the unit was established. *Nothing in this subsection shall be deemed to give rise to a cause of action in any court of law.*

(b) During the normal procedure utilized by any Federal agency in deciding to undertake or approve any Federal action (except such actions as may be required for maintenance or rehabilitation of existing structures or facilities) on areas within or adjacent to any unit of the national park system, the agency head (or the Secretary as determined pursuant to subsection (d) of this section), shall consider whether such action may degrade or threaten the natural or cultural resources of any such unit, and if the head of such agency finds that such action may have such an effect, he shall notify the Secretary in writing. Such notification shall, at a minimum, include a description of the proposed action, the proposed agency's views as to the potential short and long term impact of the proposed action on the park unit's resources, and any measures proposed by the agency to prevent or minimize adverse effects on such park unit's resources.

(c) The Secretary shall respond in writing with regard to the foreseeable impact on park resources of such proposed Federal action and shall include recommendations for any changes in the proposed Federal action needed to avoid adverse effects on park resources. Such response shall be submitted to the proposing Federal agency within sixty days after receipt of notification required by subsection (b). The response by the Secretary shall include (as an attachment) the views of professional personnel within the National Park Service whose expertise is relevant to the issue of the impact of such proposed action on park resources.

(d) In any instance in which the Secretary has not been notified of a Federal agency's proposed action and on his own determination finds that such action may threaten the natural or cultural resources of any unit of the national park system, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency head shall promptly provide the Secretary with the information specified in subsection (b), and any other relevant information in the possession of such agency if requested by the Secretary, and such notification by the Secretary pursuant to this subsection shall thereby invoke the other relevant provisions of this section.

(e) The Secretary shall fully consider any adopted city, county, State, or Federal comprehensive development plans or elements thereof and shall, if requested by the affected governmental unit, hold a public hearing prior to responding to the Federal agency if such response to the proposed action is to be negative. The hearings are to be held at or near the site of the proposed action or project after notification of the affected local government unit.

(f)(1)(A) In all cases where the proposed Federal action would occur upon federally owned lands or waters within the authorized boundary of a national park system unit, the proposing Federal agency shall comply fully with the recommendations of the Secretary.

(B) In all cases where the proposed Federal action would occur upon areas not owned by the Federal Government within the authorized boundary of a national park system unit, the proposing Federal agency shall fully consider the recommendations of the Secretary and shall comply with such recommendations, unless the head of such agency, after consideration of applicable law, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), and the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a–1 through 1a–7) finds that the public interest in the proposed action is greater than the public interest in avoiding the adverse effects on the natural and cultural resources of the affected national park system unit. The proposing Federal agency shall, upon such determination publish the record of decision in the Federal Register and notify, in writing, the Secretary and the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of such decisions, including the reasons therefor, and shall not implement the proposed action for thirty legislative days after the date of such transmittal.

(2) In any case where the proposed Federal action involves areas adjacent to the boundary of a *national park system unit,* the proposing Federal agency shall fully consider the recommendations contained within the response from the Secretary. The proposing Federal agency shall transmit the details of the planned final course of action to the Secretary prior to implementing such action. In any instance in which there is substantial disagreement between the proposing agency's course of action and the Secretary's recommendations to the agency, the Secretary shall, within ten days of receipt of the agency's planned final course of action, notify, in writing, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. The proposing Federal agency may proceed with the proposed final course of action at the time of transmittal to the Secretary, except that if the proposed final course of action is inconsistent with the recommendations of the Secretary, the proposed final course of action shall not be implemented for thirty legislative days after the date of such transmittal to the committees of Congress referred to in the preceding sentence.

(g) The Secretary shall publish promptly (but in all cases within ten days) in the Federal Register a notice of—

(1) receipt of any proposed Federal action, including a summary of the key components of the proposal and the location and availability of supporting documents, and

(2) notice of the response made by the Secretary to the proposing agency, including all recommendations made by the Secretary.

(h) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this section—

(1) those necessary for safeguarding of life and property;

(2) those necessary to respond to a declared state of disaster; and

(3) those necessary to respond to an imminent threat to national security.

(i) Any action under this Act must be brought in the United States district court for the district in which the national park system unit concerned is located, and such court shall have jurisdiction to provide any appropriate relief.

TECHNICAL ASSISTANCE, COOPERATION, AND PLANNING

SEC. 12. (a) The Secretary is directed to cooperate with, and is authorized to provide technical assistance to, any governmental unit within or adjacent to the units of the national park system where the results of such cooperation and assistance would likely benefit the protection of park resources. There shall be initiated, by the superintendent of each unit of the national park system, an effort to work cooperatively with all governmental agencies and other entities having influence or control over lands, resources, and activities within or adjacent to the park unit for the purpose of developing, on a voluntary basis, mutually compatible land use or management plans or policies for the general area.

(b) Those personnel assigned to provide assistance described in subsection (a) shall be employees of the National Park Service knowledgeable about the affected unit of the national park system and the resources that unit was authorized to protect.

(c) The Secretary is authorized to make grants to units of local government for the purposes described in subsection (a). Such grants shall not exceed $25,000 in any fiscal year to any unit of local government. The Secretary shall develop criteria for the awarding of grants, with such criteria to include priority for awards which will afford the greatest increased degree of protection to critically degraded or threatened park resources.

(d) There is authorized to be appropriated not more than $750,000 in each of fiscal years 1984, 1985, and 1986 for the purposes of this section. Such sums shall remain available until *appropriated,* and such sums as may be appropriated shall remain available until expended.

(e) Within one year after the *date of enactment of this Act,* no less than two park units in addition to all "biosphere reserves" and "world heritage sites", for each administrative region of the national park system shall have initiated the effort described in subsection (a). No more than two years after the date of enactment of this Act, each unit within the national park system shall have initiated such an effort.

(f) In no more than two years following the date of enactment of this Act, the Secretary shall assure that each unit, or each regional office for the region in which a unit is located, has on its staff at least one person who is trained and knowledgeable in matters relating to the provisions of this section, and whose principal duty it shall be to coordinate the activities which are related to the provisions of this section. The Secretary shall initiate, within no more than one year of the date of enactment of this Act, a training program for park personnel in the principles and techniques necessary to carry out the requirements of this section.

PUBLIC INFORMATION PROGRAM

SEC. 13. By January 1, 1984, the Secretary shall initiate and shall continue to develop, a public information program designed to inform park visitors and the public of the problems confronting the protection of park resources and the solutions being implemented to address those problems. Educational information of this nature shall be made available to youth groups and to educational institutions.

PERSONNEL

SEC. 14. The Secretary shall promptly and continually take actions to assure that the staffing of the National Park Service provides for an adequate number and distribution of personnel with sufficient scientific and professional knowledge and expertise to provide for the protection and management of the natural and cultural resources. Scientific research shall be directed to the resource protection and management needs of the park system units. Programs, guidelines, and standards for the following shall be under development by no later than January 1, 1984, and completed no later than January 1, 1985:

(1) employee training programs in resource protection and resource management;

(2) performance standards for all employees as related to resource protection and resource management;

(3) qualification criteria related to resource protection and resource management for positions to be filled by new employees; and

(4) career ladders for employees specializing in resource protection and resource management, with equitable promotion opportunities for advancement into mid-level and senior general management positions.

GENERAL MANAGEMENT PLANS

SEC. 15. Section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7) is amended by inserting the following at the end of the first sentence: "Each such plan shall be reviewed, revised and approved no less frequently than every ten years or it shall cease to constitute an officially approved plan. All plans not fully addressing all of the following elements on January 1, 1984, shall be revised and approved to so address all such elements by no later than January 1, 1988.".

DONATIONS

SEC. 16. (a) In the case of real property located adjacent to, or within or in the near vicinity of, any unit of the national park system if—

(1) the owner of any interest in such property desires—

(A) to make a contribution of such interest to any person, and

(B) to have such contribution qualify as a charitable contribution under section 170 of the Internal Revenue Code of 1954 (relating to deduction for charitable, etc., contributions and gifts), and

(2) the Director of the National Park Service determines that the contribution of such interest to such person will protect or enhance the unit of the national park system,

the Director of the National Park Service shall, upon such 24 owner's written request, promptly take appropriate steps to assist the owner in satisfying the requirements of such section 170 with respect to such contribution.

(b) The assistance provided by the Director of the National Park Service under subsection (a) shall include (but shall not be limited to) providing for—

(1) a professional valuation of the interest in real property being contributed, and

(2) a statement as to the importance of such contribution related to protecting and enhancing park unit values.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT PRIORITY

SEC. 17. In all cases where the Secretary determines that the provisions of this Act are in conflict with the provisions of the Act of December 2, 1980 (16 U.S.C. 3101-3233), the provisions of the Act of December 2, 1980 (16 U.S.C. 3101-3233) shall prevail.

DEFINITIONS

SEC. 18. As used in this Act, the term—

(1) "Appropriate committees of the Congress" means those committees of both the House and the Senate which have primary jurisdiction for the authorization of national park system units and programs or for the appropriation of funds for the acquisition and operations of such units and programs.

(2) "Secretary" means the Secretary of the Interior acting through the Director of the National Park Service except where specific reference is made to the Secretary of the Interior.

(3) "Resource" and "resources" includes—

(A) in the case of natural resources, the geology, paleontological remains, and flora and fauna which are principally of indigenous origin, and

(B) in the case of cultural resources, the historic and prehistoric districts, sites, buildings, structures, objects and human traditions associated with or representative of human activities and events, including related artifacts, records and remains.

(4) "National park system" has the meaning provided by section 2 of the Act of August 8, 1953 (16 U.S.C. 1b-1c).

(5) "Federal action" means any Federal project or direct action, or any Federal grant or loan to a public body.

(6) The term "thirty legislative days" means thirty calendar days of continuous session of Congress. For purposes of this paragraph—

(A) continuity of session of Congress is broken only by an adjournment sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

SAVINGS PROVISION

SEC. 19. Nothing in this Act shall be construed to exempt the Secretary of the Interior, the Director of the National Park Service, or any other department, agency, or instrumentality of the United States from compliance with any other requirement of law.

AUTHORIZATION OF APPROPRIATIONS

SEC. 20. Effective October 1, 1983, there is hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out the provisions of this Act.

COMPLIANCE WITH BUDGET ACT

SEC. 21. Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983. Nothing in this section shall be construed to affect or impair any authority to enter into contracts, incur indebtedness, or make payments under any other provision of law.

□ 1430

Mr. UDALL. Mr. Chairman, this is an important and major bill. It has been a product of a lot of work in the House Interior Committee, especially the work of our subcommittee chairman (Mr. SEIBERLING).

After we had concluded our markup and voted in our committee to report the bill the distinguished Committee on Public Works and Transportation expressed some concern about the bill on the jurisdiction question. It was for that reason that after conferring with my colleagues on this side, I introduced the amendment which is now pending before us. It is basically a clean bill amendment which incorporates some of the provisions which were of concern to the other committee. With that, Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. SEIBERLING TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. SEIBERLING. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING to the amendment in the nature of a substitute by Mr. UDALL: Page 13, strike out line 7 and all that follows down through line 13 on page 20 and substitute:

SEC. 10. (a) In any case of areas which are within any unit of the National Park System, where the Secretary of the Interior is vested with any authority to—

(1) issue any lease;

(2) authorize or permit any use, occupancy, or development of such areas;

(3) sell or otherwise dispose of such lands or waters or interests therein or sell or otherwise dispose of any timber or sand, gravel, and other materials located on or under such areas,

he may exercise such authority only after he has determined that the exercise of such authority is not likely to have a significant adverse effect on the values for which such National Park System unit was established (including the scenery or the natural or cultural resources). Such determination shall be made only after notice and opportunity for a hearing on the record. The process for collecting needed information and evaluation thereof may be integrated with such planning and decisionmaking processes as are required by other law, except that the determination of the effect upon park resources shall be a separate document or a separate chapter within a document executed by the Secretary of the Interior.

(b) In any case of areas which are adjacent to any unit of the National Park System, where the Secretary of the Interior is vested with any authority described in subsection (a), the Secretary of the Interior, before exercising such authority, shall determine whether such action is likely to have a significant adverse effect on the

values for which such National Park System unit was established, and if he finds such an effect would be likely and that the public interest in preventing such adverse effect on such values significantly outweighs the public interest value of the proposed action, taking into consideration the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), and the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7), then he shall decline to exercise such authority. The Secretary of the Interior shall publish the record of such decision in the Federal Register and transmit copies of such decision documents to the Committee on Energy and Natural Resources of the United Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives.

(c) This section shall not apply to inland waters except those which the Federal Government owns.

SEC. 11. (a) When a Federal agency or instrumentality undertakes or proposes to approve a Federal action within or adjacent to a unit of the National Park System which it determines may have a significant adverse effect on the natural or cultural resources of such unit, such agency or instrumentality shall—

(1) promptly notify the Secretary of the Interior of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 for the action;

(2) provide the Secretary of the Interior a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the National Park System unit concerned; and

(3) notify the Secretary of the Interior of the specific decisions in response to the comments and recommendations of the Secretary of the Interior.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such agency pursuant to the National Environmental Policy Act.

(b) Following receipt of notification pursuant to subsection (a)(1), the Secretary shall make such comments and recommendations as he or she deems appropriate pursuant to subsection (a)(2) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to subsection (a). In any instance in which the Secretary of the Interior does not provide comments and recommendations under subsection (a)(2), the Secretary of the Interior shall notify, in writing, the appropriate committees of Congress.

(c) Following receipt of the notifying agency's decisions pursuant to subsection (a)(3), the Secretary of the Interior shall submit to the appropriate committees of Congress, including the authorizing Committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to subsection (a)(3), along with a copy of the comments and recommendations made pursuant to subsection (a)(2).

(d) In any instance in which the Secretary of the Interior has not been notified of a Federal agency's proposed action within or adjacent to a unit of the National Park System and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of such unit, the Secretary of the Interior shall notify the head of such Federal agency in writing. Upon such notification by the Secretary of the Interior, such agency shall promptly comply with the provisions of subsection (a) of this section.

(e) Each agency or instrumentality of the United States conducting Federal action upon Federally owned lands or waters which are administered by the Secretary of the Interior and which are located within the authorized boundary of a National Park System unit shall not approve such action until such time as the Secretary of the Interior has concurred in such action.

(f) Except as otherwise permitted by law, nothing in this section shall be construed to require any State or local government to carry out any study or prepare any document or response to comments or recommendations made by the Secretary of the Interior regarding any State or local activity supported by an agency or instrumentality of the United States which is subject to this subsection.

(g) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this section—

(1) those necessary for safeguarding of life and property;

(2) those necessary to respond to a declared state of disaster; and

(3) those necessary to respond to an imminent threat to national security.

Any federal action which pertains to the control of air space, which is regulated under the Clean Air Act, or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisons of this section.

Mr. SEIBERLING (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 Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Chairman, the amendment would amend sections 10 and 11 of the amendment in the nature of a substitute to H.R. 2379 just offered by Chairman UDALL.

Section 11 has been completely rewritten with the assistance of our colleague, the chairman of the Public Works and Transportation Committee, JIM HOWARD, and conforming and technical amendments to reflect those changes were made to section 10.

Mr. Chairman, I am deeply indebted to our colleague, JIM HOWARD, for his help in clarifying section 11 so that we not inadvertently cause some problems or delays with agencies involved in developing and maintaining our national transportation system and other public works projects. It has been a pleasure to work with him on this issue. I look forward to other cooperative ventures between us which will demonstrate that environmental and development interests can be served side by side if approached in good faith and a cooperative spirit.

Mr. Chairman, turning first to section 10, this section deals only with situations where under existing law the Secretary of Interior has authority to issue a lease, grant a permit, or sell or dispose of Federal land or national resources. Before taking such action inside a national park the amendment would require the Secretary to determine that it would not have a significant adverse effect or would not be likely to have a significant adverse effect on the values for which the park was established.

In cases where he would be taking such action outside of but adjacent to a national park, section 10 would require the Secretary to determine whether such action would be likely to have a significant adverse effect on the values for which the park was established, and if so, then before proceeding he would be required to determine whether the public interest and the proposed action outweighs the public interest in protecting the park values against the possibility of such adverse effect.

The Secretary would be required in either case to publish his decision in the Federal Register and to notify the Congress. Since the decision would be part of the normal decisionmaking process of the Secretary, no extra layer of bureaucracy or delay would be imposed.

Turning now to section 11, Mr. Chairman, as amended by this amendment, it would insure that Federal agencies with responsibilities for Federal actions within or adjacent to national parks inform the Secretary of Interior whenever there is a possibility that a significant adverse effect on the particular national park may result in any such action by such an agency.

At this point, I would call my colleagues' attention to the narrow definition of Federal action in section 18 of the bill which limits it to Federal projects or direct actions and Federal grants or loans to public bodies.

Primary responsibility for deciding which Federal actions might have an adverse effect on a national park would rest with the Agency having the authority to take the proposed action. However, the agency would be required to give the Secretary of the Interior a reasonable opportunity to comment on the effect of the proposed action on the values for which the park was established.

The procedures utilized to conduct the review would be those of the project agency. This insures that any comments made by the Secretary correspond in time and form to the Agency's regular procedures. Where the Agency fails in its duty to obtain comments from the Secretary or the Secretary disagrees as to the lack of impact of an action, the Secretary may require the Agency to initiate the

review and comment process contemplated by section 11, which is the one I have just described.

The Secretary would be required to submit to Congress a copy of the Agency's final decision.

The Congress, I might add, would, of course, then be free to do what it wished, but there is no provision for delay of the Agency's decision in order to give Congress further time. That has been removed from the bill.

Section 11 should have little effect on agencies already fully complying with the National Environmental Policy Act, or NEPA for short. NEPA, as implemented by the Council on Environmental Quality, already requires the kind of notice and comment required by section 11 whenever a national park would be adversely affected to a significant degree. Thus, the bill provides that NEPA procedures may be used in complying with section 11.

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

Mr. SEIBERLING. It is not the intent of this bill to add to the procedural requirements of NEPA, but to insure that the procedures used, whether under NEPA or otherwise take into consideration the effect of the proposed Federal actions on the natural and cultural resources of nearby national parks.

If the proposed Federal action would take place on lands administered by the Secretary of the Interior within a national park then and only then the concurrence of the Secretary would be required before the other Federal agency could approve such action.

I want to reiterate. Only where the action would take place on lands administered by the Secretary within a national park would his concurrence with the other agency be required.

Section 11 also provides that it is not to be construed as requiring any State or local government to make any study or prepare any document or response beyond what is already permitted under existing law.

Finally, emergency actions or actions necessary to preserve health and safety or actions necessary to respond to a threat to national security are also exempted by section 11. Further exempted are Federal actions pertaining to the control of air space, the maintenance or rehabilitation of existing structures, whether within or outside a park, and actions regulated under the Clean Air Act.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HANSEN OF UTAH TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. HANSEN of Utah. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HANSEN of Utah to the amendment in the nature of a substitute offered by Mr. UDALL: Strike out sections 10, 11 and 12 and substitute:

FEDERAL PROGRAM REVIEW

SEC. 10. (a) In any case of areas which are within any unit of the National Park System, where the Secretary of the Interior is vested with any authority to—

(1) issue any lease;

(2) Authorize or permit any use, occupancy, or development of such areas;

(3) sell or otherwise dispose of such lands or waters or interests therein or sell or otherwise dispose of any timber or sand, gravel, and other materials located on or under such areas,

he may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such National Park System unit was established (including the scenery or the natural or cultural resources). Such determination shall be made only after notice and opportunity for a hearing on the record. The process for collecting needed information and evaluation thereof may be integrated with such planning and decisionmaking processes as are required by other law, except that the determination of the effect upon park resources shall be a separate document or a separate chapter within a document executed by the Secretary of the Interior.

(b) This section shall not apply to inland waters.

SEC. 11. (a) When a Federal agency or instrumentality undertakes or proposes to approve an action within or adjacent to a unit of the National Park System which it determines may have a significant adverse effect on the natural or cultural resources of such unit, such agency or instrumentality shall—

(1) promptly notify the Secretary of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 for the action;

(2) provide the Secretary a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the National Park System unit concerned; and

(3) notify the Secretary of the specific decisions made in response to the comments and recommendations of the Secretary.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such agency pursuant to the National Environmental Policy Act.

(b) Following receipt of notification pursuant to subsection (a)(1), the Secretary shall make such comments and recommendations as he or she deems appropriate pursuant to subsection (a)(2) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to subsection (a). In any instance in which the Secretary does not provide comments and recommendations under subsection (a)(2), the Secretary shall notify, in writing, the appropriate committees of Congress.

(c) Following receipt of the notifying agency's decisions pursuant to subsection (a)(3), the Secretary shall submit to the appropriate committees of Congress, including the authorizing Committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to subsection (a)(3), along with a copy of the comments and recommendations made pursuant to subsection (a)(2).

(d) In any instance in which the Secretary has not been notified of a Federal agency's proposed action within or adjacent to a unit of the National Park System and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of such unit, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency shall promptly comply with the provisions of subsection (a) of this section.

(e) Each agency or instrumentality of the United States conducting Federal action upon Federally owned lands which are administered by the Secretary and which are located within the authorized boundary of a National Park System unit shall not approve such action until such time as the Secretary has concurred in such action.

(f) Except as otherwise permitted by law, nothing in this section shall be construed to require any State or local government to carry out any study or prepare any document or response to comments or recommendations made by the Secretary regarding any State or local activity supported by an agency or instrumentality of the United States which is subject to this subsection.

(g) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this section—

(1) those necessary for safeguarding of life and property;

(2) those necessary to respond to a declared state of disaster; and

(3) those necessary to respond to an imminent threat to national security.

Any federal action which pertains to the control of air space, which is regulated under the Clean Air Act, or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisions of this section.

TECHNICAL ASSISTANCE, COOPERATION, AND PLANNING: LIMITATION ON CAUSES OF ACTION

SEC. 12. (a) The Secretary is directed to cooperate with, and is authorized to provide technical assistance to, any governmental unit within or adjacent to the units of the National Park System where the results of such cooperation and assistance would likely benefit the protection of park resources. There shall be initiated, by the superintendent of each unit of the National Park System, an effort to work cooperatively with all governmental agencies and other entities having influence or control over lands, resources, and activities within or adjacent to the park unit for the purpose of developing, on a voluntary basis, mutually

compatible land use or management plans or policies for the general area.

(b) Those personnel assigned to provide assistance described in subsection (a) shall be employees of the National Park Service knowledgeable about the affected unit of the National Park System and the resources that unit was authorized to protect.

(c) The Secretary is authorized to make grants to units of local government for the purposes described in subsection (a). Such grants shall not exceed $25,000 in any fiscal year to any unit of local government. The Secretary shall develop criteria for the awarding of grants, with such criteria to include priority for awards which will afford the greatest increased degree of protection to critically degraded or threatened park resources.

(d) There is authorized to be appropriated not more than $750,000 in each of fiscal years 1984, 1985, and 1986 for the purposes of this section. Such sums shall remain available until appropriated, and such sums as may be appropriated shall remain available until expended.

(e) Within one year after the date of enactment of the Act, no less than two park units in addition to all "biosphere reserves" and "world heritage sites", for each administrative region of the National Park System shall have initiated the effort described in subsection (a). No more than two years after the date of enactment of the Act, each unit within the National Park System shall have initiated such an effort.

(f) In no more than two years following the date of enactment of the Act, the Secretary shall assure that each unit, or each regional office for the region in which a unit is located, has on its staff at least one person who is trained and knowledgeable in matters relating to the provisions of this section, and whose duty it shall be to coordinate the activities which are related to the provisions of this section. The Secretary shall initiate, within no more than one year of the date of enactment of this Act, a training program for park personnel in the principles and techniques necessary to carry out the requirements of this section.

(g) Nothing in this Act shall be deemed to give rise to a cause of action in any court of law.

Mr. HANSEN of Utah (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 Utah?

There was no objection.

Mr. HANSEN of Utah. Mr. Chairman, in this particular bill that we are discussing, that we discussed yesterday in great detail, I think it should be made abundantly clear that the members of the minority and many of the majority do not have any problems with the particular idea of internal threats to the park. Many of us have spent hours reading this report called "State of the Parks." We agree with the need to address internal threats that we have there. Many of us have many parks in our own districts. We have 14 in my State. There are more in Alaska, Wyoming; and all over the United States we have them. And they truly are the jewels in the crown of our national heritage, and we feel good about these things.

However, I would like to point out that during our debate yesterday two of the sections in this particular bill, sections 10 and 11, are really not reasonable the way that they are drafted.

□ 1440

I want to commend the subcommittee chairman, the gentleman from Ohio (Mr. SEIBERLING), for addressing some of the concerns that we had yesterday in his revisions that were just adopted under section 11.

My amendment addresses similar concerns with section 10, makes some technical changes to section 11 to correct inappropriate references to so-called Federal ownership of water, and adds a much needed limitation on litigation that could otherwise arise from this bill.

The major substance of my amendment is to limit the relinquishment of Congress primary responsibility over external threats to national parks. Remember, I am talking about external threats to the national parks. I have no problem with addressing the internal ones we have talked about, and I think we have delineated very carefully what those internal threats are. My concern is with the expansion of the jurisdiction and authority of the Secretary of the Interior over lands adjacent to, that is outside of, the 334 national park units in this country.

This would be accomplished by eliminating from section 10 the new authority granted to the Secretary over lands adjacent to. I want to emphasize, Mr. Chairman, lands adjacent to the parks.

Let me make it very clear that is what we are talking about, outside the parks. I hope no one confuses the idea we are talking about anything inside the parks.

Throughout the life of this bill there has been considerable controversy over exactly what section 10 of this bill says and what it does, and what its impacts would be. I recognize there has been some controversy over here, and I further recognize sometimes it is a legitimate difference of opinion that we are talking about.

I have heard some Members of this body talk about attempting to eliminate this ambiguity. I still make the point: Do we as Members of this body want to put on the regulators, want to put on the courts, the ability to try to define these words adjacent to?

I remember once as a freshman legislator in the State of Utah where Governor Rampton, a very fine Democrat from that area, stood up and said: "Don't give me legislation that isn't clearly defined, that will have to go into the courts." I think that was good advice at that particular time, and it is excellent advice at this particular time, because if we go this way we are asking to put critical issues into the courts to be defined.

Consequently, following committee action on the bill, we requested an independent review and study of the legislation, and particularly the potential impacts of sections 10 and 11, from the Congressional Research Service and the General Accounting Office. This was through myself and the gentleman from Wyoming (Mr. CHENEY). This is an independent study.

Let me now read what some of these conclusions were regarding this issue that, for the most part, to confirm our serious concerns and reservations about the impacts of this legislation, particularly section 10 in its current form, upon jobs, upon grazing, upon tourism, upon timber, upon water projects, upon transportation and other public works projects, upon mineral exploration and assessment, development of natural resources, and the list just goes on and on, and it, in effect, talks to all 435 of us, if we think about it, in our own districts.

Let me just briefly quote from what this report says. It says:

> The access limitation (under section 10) and the additional costs and requirements (under sections 10 and 11) has the potential to dampen interests in mineral leasing or timber harvesting in high potential areas.
>
> Because of the pattern of land ownership in many areas * * * limiting access to or across Federal lands could have the effect of closing some private lands—

With this particular piece of legislation—

> from development. In effect, relatively large areas of land, both public and private, could be removed from consideration for mineral leasing or timber harvesting.

And if that is what we want to do, I guess we would vote for this bill. But we have already established those park boundaries. We know what those boundaries are. The wisdom of this group, the other body and the President have said the boundary is there.

We did not expand the boundary out for 5 miles or for 100 miles, and Lord only knows which one it is, under this bill, because no one else seems to know.

For many of the same reasons that would restrict leasing, exploration would also be impeded. These are just a few of the statements and conclusions from these independent reports.

Finally, I have from the very beginning been extremely concerned about the new opportunities this legislation, particularly section 10, would provide for dilatory litigation by any individual or group seeking to block activities.

The CHAIRMAN. The time of the gentleman from Utah (Mr. HANSEN) has expired.

(By unanimous consent Mr. HANSEN of Utah was allowed to proceed for 2 additional minutes.)

Mr. HANSEN of Utah. Section 10 would provide for dilatory litigation by any individual or group seeking to block activities of local governments, activities of all those little cities that surround our parks, and every one of us has literally hundreds of them around this great country, Federal land users and even private lands.

An independent legal counsel has concluded, and the following is his statement, if I may read it because I think it is extremely important:

The imprecise nature of the bill, with its many ambiguities and uncertainties, would invite a constant stream of litigation; thereby forcing the courts to decide the future of virtually every Federal action adjacent to park system units. The result: Delay, higher costs, lost jobs, resources, etc., when we so badly need them at this time.

My amendment addresses these serious impacts on legitimate activities outside of parks while maintaining those provisions of H.R. 2379 that provide additional management tools for park preservation and protection.

I ask your support for my perfecting amendment and I yield back the balance of my time.

Mr. SEIBERLING. Mr. Chairman, I rise in strenuous opposition to the amendment.

First of all, I would say that this amendment would eliminate the most important subsection in the entire bill, in effect gutting the bill.

The crux of the section that would be eliminated by this amendment is a very simple requirement that before he exercises authority he already has to grant a lease, to sell land or Federal property on the land, or to grant a use permit on Federal lands adjacent to a national park, that the Secretary shall make an evaluation of the action, and weigh first of all its impact on the national park, if it is adjacent to a national park; and, second, if he finds that it would be likely to have an adverse effect, a significant adverse effect on a national park, to weigh that impact versus the public interest in going ahead with the particular project.

That is what the Secretary is supposed to do now. That is the purpose of the National Environmental Policy Act. That is the way you keep him from making arbitrary decisions, to require that he balance the various concerns that he is supposed to have in mind.

By existing law that has been in effect ever since 1916, and reinforced by subsequent acts such as the act of August 1970, dealing with the park system and the Redwoods National Park Act and its general provisions, the Secretary is supposed to protect the national park system. So before he exercises his existing authority, and this bill adds nothing to his existing authority, it merely tells him that before he exercises that authority he is supposed to determine whether it will have an adverse impact, if it is adjacent to a park, and if so, to weigh that consideration versus the public interest in the project.

How can anyone possibly object to that?

Yet, that is all my amendment says, which has already been adopted. What the amendment offered by the gentleman from Utah (Mr. HANSEN) would do is to take that out entirely. Furthermore, his amendment would do one other thing. It would say that nothing in this act can be enforced in a court of law.

I will stipulate right here and now that the intention of this bill, as amended by the amendment just adopted, is not to require a court of law or to give a court of law any authority to review the substantive decision of a Secretary under this Act.

If that is already required by other law, fine, and I think it is in some cases.

This is a procedural act, and certainly we should not deprive the courts and the public of making sure that the procedures set forth in this act, the procedures of notifying the Secretary, of notifying the Congress, of giving consideration to whether it has an adverse impact on the park, certainly those procedures should be followed, or else the law is a farce.

□ 1450

And a court should have the right to enforce those procedures. So that is the second thing that is wrong with the gentleman's amendment. Otherwise, I have no particular quarrel with it.

So I will be glad to yield to my friend, the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN of Utah. I thank the gentleman for yielding. I appreciate the chairman of our subcommittee, the gentleman from Ohio (Mr. SEIBERLING) yielding to me.

Let me just say the reason for my amendment and the problem that is basically there with section 10 it is obvious to me, is that it extends to all lands adjacent to the parks a new standard.

Mr. SEIBERLING. Would the gentleman yield? Only lands administered by the Secretary of Interior, not all lands.

The gentleman agrees that is all it covers, right?

Mr. HANSEN of Utah. Well, if I may respectfully disagree with the gentleman, you should also go to the definitions section covering areas, that talks about particular areas, where moneys would be loaned by HUD or some other organization to that particular area.

Mr. SEIBERLING. But that is not section 10, that is section 11.

Mr. HANSEN of Utah. By which the Secretary must abide.

Mr. SEIBERLING. If the gentleman would permit, the gentleman does not change that section.

Mr. HANSEN of Utah. If the gentleman would let me continue, I think I would like to and I think I can explain it.

A new test by which the Secretary must judge, if we accept the gentleman's premise, that is the ground all around the park sites in the West, and I would assume around some of the other areas; BLM and Forest Service surrounds the vast majority, in fact, I cannot think of one in my State that is not surrounded in that way. But that is just my State, I guess; I guess Wyoming, Idaho, Colorado, Montana, New Mexico, Arizona, California, they are probably all in the same boat. But maybe there is one back East that does not go that way.

But anyway, all applications for right-of-way, leases, et cetera, made within such adjacent to lands, the standard or the test now is "if the right-of-way lease", et cetera "would have a significant adverse effect on the part," it cannot be granted.

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

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

Mr. HANSEN of Utah. Mr. Chairman, will the gentleman yield further?

Mr. SEIBERLING. I yield to the gentleman from Utah.

Mr. HANSEN of Utah. I thank the gentleman for yielding.

Mr. Chairman, the new amendment changes the standards slightly, slightly under the new standards. The Secretary must analyze each right-of-way, et cetera, in this way: One, will the right-of-way and lease have a significant adverse effect on the park? Two, is a significant adverse effect likely to occur? Three, is public interest better served by preventing the significant adverse effect than by allowing the right-of-way?

The new standard, I am free to admit, is an improvement, no question about it. But it still places all activities in any proximity to the park under the burden of a cloud.

In the hands of a zealous Secretary, and I guess that would be a very interesting argument on this floor as to what constitutes a zealous Secretary in light of what has gone on in the last few days. I would say that Cecil Andrus was a zealous Secretary but surely the gentleman would have some other comments on that. The public interest of protecting the park could always be found to exceed the public interest of mineral exploration, harvesting, sewer projects, streets, side-

walks, all of those areas that come into that.

I stand in opposition to section 10(b) and put that in our amendment because it creates a buffer zone around every national park within which every use of the public lands is made subservient to the protection of the park. That is a priority of use that is not right.

Mr. SEIBERLING. I would like to recapture my time and say first of all the gentleman continues to say that every activity adjacent to a national park would be affected. I would like to point out again that section 10(b) which is the one he would eliminate which has already been adopted by the House is one which only applies to land administered by the Secretary under authorities that he already has.

So first of all it does not add any authority or take away any authority; it merely relates to authority the Secretary already has.

Second, it does what I think the gentleman would have to agree, and I would hope he can give me his attention, something the Secretary already has to do.

Does the gentleman mean to say that under existing law if the Secretary is considering action adjacent to a national park, whether it is to lease land or grant a right-of-way or sell Federal land, that he would not have to weigh the impact of that on the park? Is that what the gentleman's position is, that existing law does not require the Secretary to consider the impact of his action on the adjacent national park which he also administers? I cannot believe the gentleman would take that position because that is certainly not the law.

The law today is that the Secretary is supposed to weigh all the public interest factors involved in making a decision of that sort and certainly the impact on a national park which he himself administers is one of those factors he should take into account.

So all this does is spells it out, he is to weigh the public interest values of the action he is proposing to take versus any adverse impact it is likely to have on an adjacent national park. I cannot really see how that differs from what he is required to do now. It merely states it explicitly. It does not add any new authority to him at all.

Mr. HANSEN of Utah. Will the gentleman yield?

Mr. SEIBERLING. I would be happy to yield.

Mr. HANSEN of Utah. I thank the gentleman for yielding.

Mr. Chairman, it is very obvious; then if that is the case, why do we need it? If it is already there there is no reason for this other piece of information or authorization that the bill talks about.

Mr. SEIBERLING. Well, the gentleman talked about——

Mr. HANSEN of Utah. The gentleman made the statement to me. Does the gentleman actually feel it is going to hurt these things? He had that authorization now, he has the right now as you accurately pointed out.

Mr. SEIBERLING. The gentleman talked about zealous Secretaries of Interior. Certainly none is more zealous than the present incumbent. What his zeal is directed to is another question.

Certainly it is not directed to protecting the natural and cultural values in the national parks to the same degree as it is directed toward developing certain other types of resources, regardless of the consequences on the national park or other natural values.

So all I can say is if there ever was a reason for spelling it out we have that reason today, and that is in the demeanor and actions of the present Secretary.

I do not yield any more, I am almost out of time. Let me just make one other comment.

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

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Let me just comment on the so-called objective report of the Congressional Research Service, or the reports, I should say, which we were only furnished a copy of yesterday afternoon for the first time. Let me say I finally read them yesterday evening and they are an absolute disgrace.

There is something wrong with the Congressional Research Service that would put out reports that do not even state the plain language of the bill correctly and go on to spin a fine yarn about the supposedly horrendous implications of an act.

All I can say, any resemblance between the bill before us and the one described in these reports seems to be purely coincidental and they have no credibility whatsoever. And they are so bad I am going to take it up with the Director of the Congressional Research Service as to whether he is going to continue to allow his staff to put out hogwash like this.

That is my reaction to the CRS studies.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. Sure I will yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding. Mr. Chairman, to call a report hogwash because a gentleman does not agree with it is very offensive to me. The gentleman says one report is great, the report on the national parks.

Do not call a report that I happen to agree with hogwash. I am shocked.

Mr. SEIBERLING. I am sorry that I have shocked the gentleman.

Mr. YOUNG of Alaska. Well, it would not be the first time.

Mr. SEIBERLING. All I can say is that that was my reaction after reading the reports which are full of egregious errors.

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

Mr. Chairman, I am proud to stand today in support of my colleague from Utah's amendment to section 10, subsection b of the Parks Protection Act of 1983.

Before I discuss the major issues that I think are of concern here, one of the privileges or maybe one of the luxuries of public service is to pick and choose, to take what you like and to impugn or oppose that which you dislike.

I have before me a State of the Parks Report of 1980. I understand that is a creation of the Congressional Research Service and Department of the Interior. I do not know how many times my chairman of the Subcommittee on Public Lands has referred to this document as gospel. I suspect the same people that were involved in the research of the last several weeks that brought about or attempted to bring about some definitions as to the ambiguities that reside in section 10, probably were the same people who have some degree of expertise and authority as it relates to laws and how they affect the public lands of this country.

□ 1500

Why am I today standing in support of the amendment to the Seiberling amendment that strikes in essence the term "buffer zone"? I think in the colloquy between my colleague from Ohio and my colleague from Utah we have established that in the law today the Secretary, in large part, when considering an activity on the public lands of this country that in some way is adjacent to or might impact the environment in which a national park resides, that he must, by the law, take into consideration the action that would be taking place on that public land that in some way might impact our parks.

There is a phrase that came from New York—it did not come from Idaho or Utah where some of those pristine parks reside—it is a phrase that came from Broadway in New York that says, "On a clear day you can see forever."

One of the concerns that a good many of my constituents in the West have is that on a clear day in the middle of Yellowstone Park on the right mountain top it is possible to see forever. Now, what does forever mean? What does buffer zone mean in the concept of the Secretary of Interior being able to reach out the long arm of the Federal law and in some way impact an activity that is so far afield

from a park or a park's ecosystem that it would only cause the kind of confusion that can ultimately result from the intrusion of the Federal Government?

Let me give the Members an example of, I think, some of the frustrations that result and the problems that we have that the Congressional Research Service in essence attempted to address in defining what buffer zone means.

What does a buffer zone mean to the chairman of the Subcommittee on Public Lands versus myself, as a minority member on that committee?

Well, would we say that the 2.2 million acres of that great national park, Yellowstone National Park, that encompasses about 3,437 square miles of land, would have a buffer zone of 10 miles? OK; let us agree that the Secretary of Interior in some way is going to be able to make the determinations on that 10-mile buffer zone. What have we allowed him to do in the extension of his authority? We have allowed him to take within the authority of the park itself an additional 1.8 million acres. Or, in other words, we have allowed him to extend the authority and the size of Yellowstone National Park nearly 80 percent. That impacts on my grazing lands in Idaho, that impacts on my timber lands in Idaho, that impacts on the job base in my State, and it has a variety of other kinds of concerns that I think are only now beginning to emerge, and why only now? Because my colleague from Utah cannot define buffer zone. My colleague from Ohio cannot define buffer zone. We have allowed a broad ambiguity to be placed in a law that is attempting in some way to define, refine, and protect the ecosystems of our great park system.

Have we accomplished anything by that? I am not going to impugn the integrity of the attorneys and the authorities over at the Congressional Research Service. What I am going to say is that in the language they examined, their frustration, which was explained in their definition, is just simply that. It is undefinable to say to what extent we are dealing with when we deal with a buffer zone.

Are we referring to a 10-mile margin?

The CHAIRMAN. The time of the gentleman from Idaho (Mr. CRAIG) has expired.

(By unanimous consent, Mr. CRAIG was allowed to proceed for 2 additional minutes.)

Mr. CRAIG. Or are we saying in some way that once we have established that margin of protection, way beyond the ecosystems of the great parks of this Nation, that we will then turn to the wilderness lands of this country and say in some way that on that clear day, when you stand on Castle Peak in Idaho and see for 300 miles, that some activity, on some Federal property, may in fact impact the vistas, the grand vistas that we in the West are so proud of, and therefore, for some reason, the long arm of the bureaucracy of the Department of the Interior will reach out, under the auspices and the blessing of the chairman of the subcommittee, and determine use on a piece of public property 200 miles away.

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

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

Mr. SEIBERLING. I thank the gentleman for yielding.

I do not think it is necessary to just talk in the abstract about the so-called Congressional Research Service papers. Let me just read from the one the gentleman has cited.

The first sentence of the paper of September 15 says:

> H.R. 2379 and amendment No. 1 would effectively create buffer zones around all national parks in order to limit or to reduce the impact of outside activities on the park.

Then it goes on for seven pages talking about how terrible it would be if we had buffer zones and at the end of page 8, it says:

> The bill and the substitute amendment do not specify the creation of buffer zones, but they do assist the Secretary of Interior in preventing federal activity that would degrade the natural and cultural resources of the park.

So, in effect, what they are saying is, no, the bill does not create any buffer zones, it does not specify any buffer zones, but we think that it would de facto, and that is our interpretation and therefore we are going to expend eight pages telling about how terrible it would be to do that and at the end of that we will admit that the bill does not specify buffer zones.

Mr. CRAIG. Mr. Chairman, let me reclaim my time then, at that point, to say that the gentleman and I agree. We agree by the statement the gentleman made on the floor today that law currently exists on the books.

The CHAIRMAN. The time of the gentleman from Idaho (Mr. CRAIG) has again expired.

(By unanimous consent, Mr. CRAIG was allowed to proceed for 2 additional minutes.)

Mr. CRAIG. The gentleman and I agree that the laws on the books today provide for the Secretary of Interior to extend his authority, when necessary—I cannot quote the gentleman——

Mr. SEIBERLING. I do not agree with that, but if the gentleman would yield, I will tell him what I said.

Mr. CRAIG. All right. I would like to hear it again, because I think it is important in the context of what we are trying to duplicate here today.

Mr. SEIBERLING. This bill deals only with the exercise of existing authority that the Secretary has under law with respect to lands surrounding national parks. And where he takes action, as described in the bill, under the authority, which could have an adverse affect on the park, all this bill says is that first he will consider what the effect will be and second, he will weigh that against the public interest in taking the action in question.

Now, in the opinion of many experts, the existing law, including NEPA and the laws governing the park system, require him to make that evaluation now. But this Secretary does not always pay attention to that existing law. So all this does is spell it out in no uncertain terms.

Mr. CRAIG. I will reclaim my time then. And I guess what the gentleman is saying then, this is not a bill for all time. This is a bill for the current Secretary.

Mr. SEIBERLING. Oh, no, it is for all Secretaries.

Mr. CRAIG. Well, I am confused. I think the chairman of the subcommittee said that most experts agree today that the Secretary does have this authority to make those determinations, but the gentleman said that this Secretary chooses not to do that.

I guess the question is, between the gentleman and myself, apparently it is the gentleman's judgment that the Secretary is violating current law and yet no one seems to have brought him to task for that kind of violation.

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

Mr. CRAIG. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

I do have a couple of points of clarification both from the gentleman from Utah and the gentleman from Idaho.

The first point, before we have had so much discussion about CRS that there may have been a misstatement.

The state of the parks report, the gentleman would agree, is a product of the Department of Interior, not the Congressional Research Service; is that correct?

Mr. CRAIG. I agree that that is true, but I also understand that the consulting efforts that went into the overall creation of the state of the parks report of 1980 had a tremendous amount of input from the Congressional Research Service and their authorities on the General Public Lands Commission.

The CHAIRMAN. The time of the gentleman from Idaho (Mr. CRAIG) has again expired.

(At the request of Mr. BEREUTER and by unanimous consent, Mr. CRAIG was allowed to proceed for 2 additional minutes.)

□ 1510

Mr. BEREUTER. If the gentleman will yield further, that may well be the case, and I believe it is the case. I just wanted to make clear we are talking about the state of the parks report, which is really the product of the Department of Interior at the instigation of Congressman Burton and Congressman Sebelius, both former colleagues.

I am really trying very hard to understand the limit of the disagreement of the gentleman from Idaho and the gentleman from Utah on the bill.

Section 10 does relate exclusively to Department of Interior lands, and I gather that the gentleman's comments concerned are mostly addressed to section 11 where we are dealing with what the gentleman referred to as the buffer zones.

From our own contact in the past Congress, that is a term that drives me up a wall, but the gentleman is entitled to use it. I would ask this of the gentleman, because I am one who contemplates the impossibility of suggesting a standard definition of land, like 10 miles or 5 miles, that suits all purposes. I would contend that in some cases 10 miles is far too much and, therefore, we ought to have something in which discretion can be exercised.

So I would ask this question of the gentleman: If we were to define something for "adjacent to" in an area kind of definition, what would the gentleman suggest?

Mr. CRAIG. The reason you have not heard the gentleman suggesting a specific definition or a margin of distance in miles is for the very reason that we have all just been discussing. We find it, in large part, undefinable. We do recognize in current law that the Secretary has the authority and the discretionary authority in some areas to make judgments as it relates to impact of activities on public lands in conjunction with the park systems of this country.

What I am suggesting is that which is being proposed by the chairman of the Public Lands Subcommittee of the Committee on Interior and Insular Affairs is simply an unnecessary addition to existing law.

Mr. BEREUTER. And that is section 10 or section 11?

Mr. CRAIG. That is both.

Mr. BEREUTER. Does the gentleman disagree with the specific requirements levied on this Secretary and all future Secretaries—and I would say it is all of the Secretaries that I am concerned about—to open up the process on Interior lands itself? Does the gentleman disagree with that?

Mr. CRAIG. No, I do not have any disagreement with that.

Mr. BEREUTER. I thank the gentleman for the courtesy of his response.

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

Mr. Chairman, I rise in support of the Hansen substitute. I rise in strong support of the substitute, and if it is not adopted I also urge the defeat of this legislation.

The legislation is unneeded, it is unwarranted, and it is a waste of time.

The gentleman from Ohio has said before that we already have laws on the books. They have been implemented, they will be implemented, and our parks are being protected. If the gentleman from Ohio and those who would support this legislation desire to make the parks larger, then let us do it. I went through, I know many of you know, the making of many, many parks in my State. The lands were set aside with the idea that the buffer zone was built into the borders, as these other parks were. This is really a ripoff, trying to increase the size of the parks for certain special interest groups.

The adoption of the Hansen substitute improves upon the Udall bill or by the bill and admitted by the gentleman from Ohio, eliminating the legal uncertainties. The CRS has pointed out buffer zone language will invite litigation. Lawsuits could hold up vital municipal and State projects. We have heard these arguments.

I want to stress again that it is just not the West, although we hear it just from the Western Congressmen talking about this issue. But for those of you who might be listening to this program in your offices, it affects any monument or any national park or battlefield in your area. It affects your REA electrical lines, it could affect your sewer and water projects, your highway systems, your sound factor. It is far-reaching. Of course, the Secretary has to do some of these things now, but it does not meet the criteria of all that 472,000 lawyers that we have in the United States today, and there is going to be lawsuits and litigation. Right here on this floor right now we have lawyers arguing the legal points. If you think it is bad here when we are trying to make laws, wait until the special interests become involved in this.

Again, Mr. Chairman, if we do not adopt the Hansen substitute which makes this very poor piece of legislation more palatable, then I suggest we should defeat the whole thing.

I was sort of a little bit chagrined when my good friend and chairman, the gentleman from Ohio, referred to one study as hogwash and another one as the Biblical truth. Also was I chagrined when he directed the idea that this legislation was for the present Secretary of the Interior, when I checked back through my history and find out that this legislation was introduced and I believe passed by the House under the previous administration, until they finally woke up to the realities on the other side that this was bad legislation, and it did not pass the other body. I suggest that it should not even pass this body this time, and it should not become anywhere near law. It should be eliminated so that we have really the responsibility to the local communities to recognize that they are being affected.

I do not know why we need this legislation. Why do we need it, if already the laws are on the books? Why did it not pass the body the last time when we had a Secretary who put away 56 million acres by the stroke of a pen into a park or a monument. And we had one named Stewart Udall who put 78 million acres, I believe it was, into a monument also by a stroke of the pen.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I think I can clarify the gentleman's confusion, and that is simply that, no, this bill was not taken up or passed under the previous administration. As I recall, during the last Congress, at which time this bill passed the House by a vote of 319 to 84, the Secretary of Interior was Mr. Watt and the President was Mr. Reagan. So it has not changed in the last year since that action was taken.

Mr. YOUNG of Alaska. Maybe I am confused.

Mr. SEIBERLING. We are dealing with the same bill, the same administration.

Mr. YOUNG of Alaska. Did the gentleman not sponsor this legislation in 1979?

Mr. SEIBERLING. No.

Mr. YOUNG of Alaska. In 1978?

Mr. SEIBERLING. No.

Mr. YOUNG of Alaska. Then time does fly in this body when we are having fun, does it not? I thought those were the dates, and I apologize to the gentleman. I thought the gentleman and I had cosponsored this, of all things, before I realized the folly of my ways.

Mr. SEIBERLING. Well, the gentleman from New Mexico (Mr. LUJAN) cosponsored it and coauthored it.

Mr. YOUNG of Alaska. Well, that goes to show that we are enlightened by the presentation of my good and esteemed collleagues on this side that we recognize that the legislation is not needed.

Again, I urge the Hansen substitute. It is the important factor if we want to make this turkey fly. It is now November, it will be November next month, I suggest that if the substitute is not adopted, then we should defeat the legislation and do not allow it to become law.

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

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

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

Mr. SEIBERLING. I thank the gentleman for yielding and I appreciate the great support the gentleman has given us in the committee as well as the support he is giving us now.

Mr. Chairman, I would just like to correct the misstatement that keeps cropping up in the remarks that have just recently been made on that side of the aisle. They keep talking as though this bill grants additional authority to the Secretary of the Interior. It does not. What it does do is impose an explicit duty on the Secretary of the Interior to weigh the values that would be adversely affected by any action he proposes to take under his existing authority versus the values of going ahead and exercising that authority. That is not granting him authority; that is imposing a duty on him.

So let us get that clear. And all it says is that where the Secretary has authority and proposes to exercise it in or adjacent to a national park, he shall consider, he will weigh, the public interest value in exercising that authority versus the impact of it on the park.

I cannot really imagine that any Secretary of the Interior who was doing his job right would not observe that obligation, because if he adds up all of the requirements placed upon him by existing law, he already has that duty. But all this does is make it absolutely clear that that is his obligation, and it sets up a procedure whereby he notifies the Congress as to his decision.

So that is all there is to this bill. But it is perfectly clear that there are some people in some places who do not want to see the Secretary weigh those values. That is a two-edged sword. The amendment of the gentleman would also do one other thing: It would eliminate any possibility of requiring the Secretary to make that weighing of values by taking him to court.

All I can say is, there may be times when it works the other way, when the Secretary may have failed to do that and failed to approve some project that some of the gentleman's constituents might wish to have, and they might wish to go into court and say, "Wait a minute, Mr. Secretary, you did not weigh the public interest of going ahead with this right-of-way or this sale next to this park as you were required to do. You made an arbitrary decision. And so we are going into court to compel you to observe the procedures that are set forth in the law."

I think that is something that everybody would want the Secretary to do, and I cannot imagine that the gentlemen are really sincerely saying that he should not do that.

Mr. Chairman, I appreciate very much the gentleman from North Carolina (Mr. CLARKE) yielding me time.

□ 1520

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

Mr. Chairman, let me say at the outset that I am a supporter of this legislation and that I am a sponsor, and that the chairman of the subcommittee is correct. We support this legislation because we love our parks. We are proud of them. We want them protected.

I do not believe that is the issue here. In spite of all of the rhetoric that we hear, Interior has increased substantially the amount of money designated for maintenance of our national parks, to upgrade those parks, the roads, the water systems, upkeep on buildings.

During my last tour of all of the various parks in the States, I had seen 2 years or a year before, that some of them were deteriorating, that some of the logs were, as a matter of fact, rotting out, they were being replaced. So we see those kinds of things. We see restoration of ruins of Indian tribes, of maybe some forts of days gone by, rehabilitation of trails, general maintenance. As a matter of fact, the gentlemen will remember that many of us supported the Youth Conservation Corps because one of its prime reasons for existence was to furnish manpower to keep up our national parks.

So we do not believe that our parks should not be protected. As a matter of fact, quite the opposite. We feel very, very strongly that those parks should be protected.

We do believe, however, that a portion of this legislation is in error, and that is the crux of the argument in this amendment, and that is the whole question of the definition of "adjacent." Now, what does that mean? Does that mean one mile? Does that mean 10 feet, 50 miles, 100 miles? It is undefinable, and when you have such a provision in a bill, it invites all kinds of suits.

Let me propose to you, for example, why it is undefinable. In some areas, perhaps a mile or even 10 miles might be proper. But it was brought out time and again in committee that, say, at Ford's Theater over here, if you have defined "adjacent" as 1 mile or 2 miles or whatever, it is going to include the entire city of Washington.

I can see that by this provision being here, if someone, the groundskeeper or whatever they call him, at the White House desires to mow the lawn and he does not think it is an adverse action on Ford's Theater, which is adjacent to the White House, and he goes ahead and mows the lawn, somebody can bring a lawsuit on that because they thought that perhaps the pollen flying around, or whatever flies around, was an adverse action to the Ford's Theater.

So I say say to my friends that while we do support the upkeep and, as a matter of fact, the improvement of all our national parks, we are going on bad ground here, and they support this amendment because it removes the word "adjacent" and removes the requirement that anyone who is going to have any kind of a project, that is one more thing, one more permit, so to speak, that they have to get, one more regulation that they must comply with.

So it seems to me that it would behoove all of us to support the amendment of the gentleman from Utah.

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

Mr. Chairman, I am not from any of the Western States and do not have any large areas of parks in the State of Louisiana, but if I were from one of the so-called Western States west of the Mississippi, I would have some very, very severe problems with the language before the committee at the present time with regard to what we are talking about, the so-called buffer zones.

I think anyone from any of the Western States needs to take a very careful look at the potential effect that this language would have on private lands, totally private lands, as far as any activities that might require some kind of a permit from the Federal Government. Parks can, should, and are protected, and they should be. What we are talking about today is extending a directive to the Secretary of the Interior as to what he must do on lands that are not within the park area but the lands that are adjacent to the park.

My first real serious concern about this is how big of an adjacent area are we giving some mandated instructions to the Secretary of the Interior about? Are we talking about one acre? Are we talking about 10 acres? Or perhaps we are talking about literally hundreds of thousands of acres that happen to be adjacent to a park that could be completely and totally privately owned and privately held by individuals. But we are saying today that the Secretary is going to have to make a decision that if he has to take any action, whether it be issuing a permit, whether it be issuing a right-of-way, whether it be considering the sale of any minerals that are underneath these Federal private lands, that the Secretary is going to have to decide himself, without consultation with any other Federal agencies, whether that could be a signficantly adverse impact on the park.

The reason I say we do not need this is very simple, because we have existing laws in place that are already working very well with regard to actions that involve a Federal decision on private lands that are adjacent to a park or not adjacent to a particular Federal park. We have the National Environment Policy Act. We cannot have a major Federal action on private land under the National Environmental Policy Act that may have an adverse effect without doing an environmental impact statement.

The difference in the existing law and what we are trying to do in this legislation which I object to is that we are saying that the Secretary is going to make the decision on whether that action has significant adverse impact. The current National Environmental Policy Act calls upon the Secretary to make that decision in consultation with other Federal agencies like the Corps of Engineers, like the Department of Energy, like the CEQ, the Council on Environmental Quality, where all the agencies in the Federal Government look at that action and make a determination on any potentially significant adverse effects it might have on a park or on anything else, for that matter.

This changes that. This is a major change. This says the Secretary, and there is only one Secretary, shall consider it, and he alone makes that decision, and I object to that. I do not think it is right.

I do not know of any problems that we have with the existing system. I do not know of an instance where an action has been taken that has required an environmental impact statement and that impact statement has said this will present a significant adverse impact, that a Secretary has issued a permit over that objection. If, in fact, he would dare issue a permit over an objection, he would be sued, and I do not know of a court decision where the actions of a Secretary in issuing a permit over a finding in an environmental impact statement has been upheld by the court. In other words, we simply do not have a problem with the way things are working.

So for the reasons that I have outlined, the fact that it is too broad and too vague, and the second fact is that it is already being handled quite well, and the third thing is that this eliminates other Federal departments which I think should be involved in the process, I would object to the existing language and support the Hansen amendment very strongly.

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

Mr. BREAUX. I yield to the chairman of the subcommittee, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Has the gentleman read section 10(b) of the amended bill, which we just amended on the floor?

Mr. BREAUX. Yes. I would say to the gentleman from Ohio that I have read the language, and the language where it says that the Secretary, that he shall decline to exercise such authority, where it says that he shall make a finding of whether it has a significant adverse effect, where it says that he and he alone, meaning he does not consult with anybody else in the Federal Government, whether the corps or the CEQ or whether any other agencies of the Federal Government.

□ 1530

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield again?

Mr. BREAUX. I am glad to yield.

Mr. SEIBERLING. I am looking at subsection 10(b) and I find nothing where it says that he and he alone shall make such a decision. Tell me where it says that.

Mr. BREAUX. Well, let me just read to the chairman of the subcommittee what I am talking about. It says, "In any case of areas which are adjacent to any unit of the national park system, where the Secretary is vested with any authority described in subsection (a), the Secretary"—before exercising such authority shall make this determination. It speaks solely to the Secretary, which I presume is the Secretary of the Interior.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. BREAUX was allowed to proceed for 2 additional minutes.)

Mr. BREAUX. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. SEIBERLING. But we are only talking about situations, where as spelled out in section 10(a) where he already is vested with authority; so we are not adding any authority. We are merely imposing additional duties.

Mr. BREAUX. I would say to the gentleman in response, we do not have very much time, that while the Secretary is the only one that has authority to issue a permit, under the existing law, under the National Environment Policy Act, he has to make consultations with other Departments of the Federal Government, as many as five, before he makes that decision.

Mr. SEIBERLING. This does not change that at all.

Mr. BREAUX. I would submit that this legislation eliminates that and that is where I object to it. We should not be eliminating the other Departments of the Federal Government, because they have a legitimate role in determining whether, in fact, a significant adverse impact is going to occur on these areas. With this language, their role is being diminished, if not in fact, completely eliminated.

For that reason, I think without this amendment we should not be supporting this legislation.

I think what the committee has done, the chairman of the full committee and the chairman of the subcommittee, is admirable legislation, with this exception. It is a significant change in existing law on how we handle private lands. I think therefore, the amendment is absolutely essential.

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

I appreciate the opportunity to stand up and congratulate my colleague, the gentleman from Utah (Mr. HANSEN) on a very timely amendment.

We studied this bill in the Interior Committee. Those who were there voted against it. It only passed because someone pulled out a pocketful of proxies and they got it through.

There is no justification for this legislation. Therefore, I strongly support the amendment of the gentleman from Utah (Mr. HANSEN) which makes it somewhat livable.

I want to just make a couple of points and that is that this bill in a time when we are trying to put together all the funds we can to solve some of our western problems is going to spend about $13 million over the next 5 years strictly doing paperwork, duties that can be done in another way and they are already being done by the administration.

I am totally puzzled about the buffer zone that again has been mentioned several times. As I read the language and try to find out how this affects the State of Utah, it seems to me that the entire State of Utah would be buffered out in this case. I mean, when you look at the checkerboard land layout, when you see the fact that the language is ambiguous and we do not know what buffer zone means, I think that the entire State of Utah is affected by this legislation. A 10-mile buffer zone around Utah parks would eliminate about 9.1 million acres of land, which is 20 percent of the State.

I cannot imagine anybody out there being very enthusiastic about going from a State that is already owned by the Federal Government to the extent of 70 percent now being locked up by this buffer zone so that now the Feds control somewhere around 90 percent.

This bill would impact community planning. It would certainly hurt natural resource development. It would impact lands already leased. It would affect and severely restrict transportation problems and it would just add additional restrictions to those already under the Clean Air Act.

This bill, Mr. Chairman, provides virtually unlimited authority to re-

strict mineral development on lands in the West adjacent to the parks. Twenty percent of all the known oil and gas resources in the State of Utah are within 15 to 20 miles of a park. We are very unclear as to what effect that would have. I do not think any State that is an energy State would sit still very long if this amendment does not pass.

If the Hansen amendment passes, I would be happy to support the bill. If it does not, I would urge the House and the committee to vote against the bill on the grounds of commonsense and energy development in this country.

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

The Hansen amendment, of course, affects sections 10, 11, and 12, and I congratulate the gentleman from Utah on the change that he made to section 12. It is a change that I think was discussed in the Interior Committee, in the previous Congress and this Congress as well. I was a member of that Interior Committee during the 97th Congress when we debated this legislation, of which I am an original cosponsor. We strove long and hard to find solutions to some of the problems with section 11 that the gentleman from Utah and the gentleman from Idaho and others have raised here today. We strove our very best to find those answers. Perhaps we have not found them yet to the satisfaction of everybody. I am going to try to see if we can narrow down the extent of our disagreement here today, because I have heard favorable comments by some of the opponents to the legislation, favorable if, in fact, we can solve the problems that seem to be focused in on section 11.

I would ask the gentleman from Utah (Mr. HANSEN) if he would respond to a question that would help me focus in on what the real differences are.

Mr. HANSEN of Utah. I would be happy to.

Mr. BEREUTER. I thank the gentleman.

On the gentleman's amendment, the title given to section 10 is changed from "Public Land Management" now to "Federal Program Review," which was the title that previously applied to section 11.

I would ask the gentleman if there is anything that is specifically behind that change that relates to Secretary of the Interior lands which are covered by section 10, but not section 11.

Mr. HANSEN of Utah. I think the chairman made that change in the amendment that came up previously.

Mr. BEREUTER. I see; so the gentleman is simply repeating that?

Mr. HANSEN of Utah. That is on section 10.

Mr. BEREUTER. That is a title that seems a little confusing to me, although we are talking about Federal program review and each public land management section originally in the title did affect the Secretary of the Interior only.

I understand from comments with the gentleman a few minutes ago, private comments, that his concerns do not necessarily go exclusively to lands controlled by the Secretary of the Interior, but to leases that might be under his authorization to be applied to private lands, and that is correct, is it not?

Mr. HANSEN of Utah. I would be happy to elaborate on that, if the gentleman from Nebraska would allow me to.

Mr. BEREUTER. Yes; I would be pleased to let the gentleman do that.

Mr. HANSEN of Utah. The basic problem, and I think we are all down to this, the basic problem is that section 10(b) creates a new standard in which park interests shall totally dominate over any other use. If you want to subject all other uses outside of parks totally to park interests, then you would support the bill as it now exists; however, if you want to allow all competing interests to be balanced—and we stress the word "balance"—then you would support the Hansen amendment to section 10(b). I really think that is the whole basic issue of the thing and it is a philosophical difference.

I come down on the side of total balance on the uses, and they are fair and balanced, and not the idea that the park use is ahead and superior to the other uses. I think everyone here would agree that has talked so far to that particular issue.

Mr. BEREUTER. I thank the gentleman for clarification of his point of view.

We have had a suggestion here that there is really no problem that needs to be addressed; but I would like to focus in on one specific type of problem that is currently not well addressed in this country with respect to our national parks. I am going to concentrate only on the matter of geothermal energy development threats to our national park system. As an example of current threats to our national park system from development on adjacent Federal lands, I might also say it applies to private lands, but I am concentrating only on the Federal, let us consider the development of geothermal energy resources which is proposed today in the boundaries of Yellowstone, Crater Lake, Lassen, and Hawaii Volcano National Park, 22 parks in 12 States have this potential threat to them. At Yellowstone today we have hundreds of leases that are pending of Forest Service land, less than 15 miles from Old Faithful in a national forest.

At Lassen, lease applications blanketing the southern boundary of the park of the Lassen National Forest are under appeal to the Chief of the Forest Service, however, and here is the key point, the Forest Service has stated that while it could impose lease stipulations to protect national forest resources, it has no authority and neither does the Park Service to impose lease stipulations to protect park resources.

□ 1540

The same is true with respect to the situation at the Yellowstone National Park. What I am suggesting is I congratulate the gentleman opposed to this for bringing to us the concept of buffer zones which are nowhere mentioned in the legislation.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. The reason that of course this creeps up is because we are talking about adjacency which they would suggest on the opposition side is ill-defined. But the minute we talk about some definite amount of geography, like 5 miles or 10 miles, we are talking then with truly creating a buffer zone which has been the object of all the attacks out here.

Now, here in the case of Idaho, we may well have geothermal potential that is some 70 miles or 80 miles from Yellowstone but still have an effect. And the effect of drilling in those areas, be they public or private lands, may well not become fully understood until the damage is done in Yellowstone National Park to that unique asset in the world.

So, that is why we have had to come with something that is less precisely defined in the area of adjacency.

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

Mr. BEREUTER. I yield to the gentleman from Idaho.

Mr. CRAIG. I thank the gentleman for yielding.

As you express your concern about geothermal exploration in the boundaries and/or near the areas of some of our national park systems, I would be the first to tell you I am concerned, and in no way do I know of anyone of this floor that would want to see geothermal drilling that in some way might damage the caldera system of the greater Yellowstone Park and ultimately Old Faithful or that guiser basin area. That is a real concern on the part of some of us.

Now, are you telling me today if geothermal drilling takes place on federally owned lands, that environmental assessments, environmental impact statements to the best of the knowledge of geologists and those who are specialists in geothermal areas as it relates to what that drilling may do, are

something that is not stipulated in the process of gaining leases for the purpose of drilling?

Mr. BEREUTER. At the present time I would respond to the gentleman the Director of the Forest Service says that he has no ability to consider potential impacts upon the national parks, only of the national forests, when he makes his decisions about leasing arrangements.

Mr. CRAIG. In the least process, environmental impact statements must be considered.

The CHAIRMAN. The time of the gentleman from Nebraska (Mr. BEREUTER) has expired.

Mr. CRAIG. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska (Mr. BEREUTER) be allowed to proceed for 2 additional minutes.

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

Mr. SEIBERLING. Mr. Chairman, reserving the right to object, I wonder if we could have agreement on putting a time limitation on discussions on this amendment and all other amendments to this bill of 4:15?

I make that as a unanimous-consent request.

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

There was no objection.

The CHAIRMAN. Without objection, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 2 additional minutes.

There was no objection.

Mr. CRAIG. Mr. Chairman, will the gentleman (Mr. BEREUTER) yield?

Mr. BEREUTER. I yield to the gentleman from Idaho.

Mr. CRAIG. I will be brief in consideration of others and other amendments.

It is my understanding at this time as it relates to environmental assessment or impact studies and therefore licensing, yes, I would expect you to get an answer from the Forest Service that, no, they could not specifically consider. But I will suggest to you that in a geothermal system in which someone may be seeking the right to drill for the purpose of developing the geothermal resource, that today systems as the caldera or others associated with parks and resources within parks are considered as potential impact and realities of such activities that might exist within that leasing activity.

Mr. BEREUTER. I would reclaim my time just to say I appreciate the gentleman's comments. I would say this: After 3 years it seems to me that despite having striven for a solution to what is an appropriate areas for consideration, so that review and comment can be had from proposed Federal actions adjacent to our national parks, opponents have still not come up with a better idea. And I solicit. And I thank my colleagues for considering my comments.

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

Mr. Chairman, the State of the Parks Report, as suggested in this bill, is a sound move. It has real value to our national parks and country. I also find myself in strong agreement that we ought to protect our parks.

I do have some concerns, though, and I would ask the gentleman from Utah to respond to my questions, if he would.

I would like to know specifically what areas are adjacent and what areas are not adjacent.

Mr. HANSEN of Utah. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Utah.

Mr. HANSEN of Utah. I do not know if we have enough time to respond to the gentleman from Colorado. Let me just say this—because the information is not defined, we do not know what "adjacent to" is, we do not know if it is half a mile or a hundred miles. That is one of those things, the areas where we have disagreement with the gentleman from Ohio, and one of the reasons why we are putting in this amendment that we feel will handle that problem.

Mr. BROWN of Colorado. Let me be very specific, because I think this is critical to understanding the bill.

I see section (c) says, "This section shall not apply to inland waters except those which the Federal Government owns."

Now, we both know that the Federal Government has laid claim at one time or another to much of our inland water. I would like to know if this act will cast a cloud on water projects in Colorado that flow through National Parks.

Mr. HANSEN of Utah. I think it opens it up. It seems very obvious to me that is now opened up. It is one of the things that would come under direction of the Secretary under section 10(g) of the act as presently drafted without my particular amendment in it. Without that being changed I think specifically the answer is it would come under the direction.

Mr. BROWN of Colorado. What about water projects in California that draw out of the Colorado River?

Mr. HANSEN of Utah. I am sure they would have the same problem.

Mr. BROWN of Colorado. What about water diversions in Arizona?

Mr. HANSEN of Utah. I agree all the way along you could carry this onto a somewhat ridiculous conclusion, if I may say so, and carry it to any extent on any Federal water project.

If I may, I would like to point out I think the gentleman from Ohio and myself may have not got this out completely. When we talk about adjacent Federal grounds it also states very, very carefully in the bill that, "All projects which need authority to proceed." So, here we have the private XYZ Widget Co. and they need authority to go across the BLM ground, then they have to have the authority from the Secretary of the Interior. A city may need authority from the Secretary of the Interior. An airport may need authority from the Secretary of the Interior. It is so all-encompassing it almost boggles the mind. But it is not just the Federal ground. It is those who need authority from the Secretary to proceed. And I think that pretty well answers a lot of the questions you have previously asked.

Mr. BROWN of Colorado. Are we saying this particular bill without a definition of "adjacent to" can cast a cloud over every major project in the Western United States?

Mr. HANSEN of Utah. I guess it is one of those very interesting arguments you could get into. I think that could easily be the interpretation of it, because right now we do have a cloud over it. We have it on water projects.

Mr. BROWN of Colorado. Let us come to Washington, D.C.

We have a number of national monuments, national park facilities in Washington, D.C., and the surrounding areas. Let us say that we are contemplating a low-cost housing project in Washington, D.C., for the poor that is within several miles of a national monument. Is that adjacent? Does that come under these guidelines?

Mr. HANSEN of Utah. Let me ask you this: Was it going to have Federal money in the low-cost housing project which is adjacent to the national park?

Mr. BROWN of Colorado. Yes.

Mr. HANSEN of Utah. Then it does come under it.

Mr. BROWN of Colorado. What about a sewer plant to clean up our waste water.

Mr. HANSEN of Utah. Does this have Federal money?

Mr. BROWN of Colorado. Yes.

Mr. HANSEN of Utah. Then it comes under it.

Mr. BROWN of Colorado. What about a highway to move traffic in and out of Washington, D.C.?

Mr. HANSEN of Utah. If it has Federal money in it, it is under it and it needs the Secretary of the Interior to OK it.

Mr. BROWN of Colorado. What about a new bridge?

Mr. HANSEN of Utah. Again, Federal money is in this one, I assume. In that event we are again brought into this.

Mr. BROWN of Colorado. What about a water treatment plant for clean drinking water?

Mr. HANSEN of Utah. If it has Federal money in it, we are in it again.

□ 1550

Mr. BROWN of Colorado. I hope that the advocates of the bill would spell out to me why they oppose spelling out what "adjacent to" is.

I offered an amendment in committee that addressed this area. Without some sort of clear definition of what "adjacent" is, the measure cast a cloud on water projects throughout the Nation, adjacent to parks.

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

Mr. BROWN of Colorado. I will be glad to yield to the gentleman.

Mr. BEREUTER. I am not aware of the amendment the gentleman offered in this Congress, not being a member of the committee. But I well recall that subsection (c) here is placed in the bill perhaps inappropriately at the instigation of the gentleman, because in the 97th Congress the gentleman raised a question, as I recall it, about a federally built water structure in a national park in his State.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has expired.

(On request of Mr. BEREUTER and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 1 additional minute.)

Mr. BEREUTER. If the gentleman will continue to yield so I may complete the sentence, I believe the gentleman's concern was that a possible impediment might be placed in the way of reconstruction of that particular federally constructed reservoir, probably in the Rocky Mountain National Park. It seems to me that we had worked that out, but it does not parallel the language here, which seems to me to be overly broad.

Is my recollection correct in what really prompted this matter in the first place, the gentleman's concern about a federally constructed reservoir within his own national park area?

Mr. BROWN of Colorado. The gentleman's recollection is accurate. My concern is not only for what would be in the park, but waters that are claimed by the Federal Government that flow out of that park. Anything that affects waters that go into or out of the parks has a cloud cast over them without some definition of "adjacent."

I would say this: I think paragraph C is a big improvement over no limitation. I think we could do a better job in tightening the bill in that area.

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

I am deeply interested in this bill, representing, as I do, the western congressional district in Montana. We have bordering the western district on its north Glacier National Park and on its south Yellowstone National Park.

As a member of the Committee on Interior and Insular Affairs for two terms and until this January, I worked with both the minority and majority in trying to draw a bill that would both adequately protect the great national heritage of this Nation, our national parks, while still allowing appropriate Federal development and efforts within sight and sound of the national parks.

I have looked closely at this bill, although no longer a member of the committee, and I am as convinced now as I was 2 years ago that this bill would provide us with the necessary mechanisms with which to allow appropriate development near our parks.

I can tell you that in our State of Montana that does not happen today. Many Montanans have been attempting to build what they believe is a needed Federal highway just to the south of Glacier National Park. That highway has been held for the better part of a decade through court suits.

That is the sole place for the resolution of the issue. Such determinations should be shared with the steward of the national parks, the Secretary of the Interior. We should provide him with the coordinating mechanisms and the review process necessary to grant his approval, even though it is not absolutely needed, that these efforts such as that highway, or energy development or other efforts to either go ahead or not. We currently do not have that necessary, prescribed mechanism.

The point is that we are constantly being drug through the court process year after year after year.

Is it protecting the parks? Yes. But is it allowing appropriate adequate clean development to go forward in the shadow of the parks? No.

This legislation would allow that.

I know that is not the way the gentleman from Utah and some others who are supporting his amendment see it. But I say to my colleagues here in the House that after 3 years of working with this bill, and as one who is very concerned about both the protection of the parks and the appropriate development outside but near the parks, I am convinced that this bill, as it is written is go, prudent, reasonable legislation which will accomplish both of those necessary ends.

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

Mr. WILLIAMS of Montana. I will be pleased to yield to the chairman of the subcommittee.

Mr. SEIBERLING. I thank the gentleman.

I want to just add a word to the discussion that just took place with respect to inland waters.

The purpose of that provision that says this section 10 shall not apply to inland waters is to make it clear that this does not require an evaluation of water projects that deal with inland waters, and the only purpose of putting in the exception that says "except as to water which the Federal Government owns," is to take care that we are not, in effect, changing the existing water law. That is all.

I stipulate that that is the intent of the bill. We had a very thorough discussion in the committee on that, and I completely agree with the gentleman that we do not want in any way to impinge on the existing law with respect to water projects on inland waters.

So I think that we have clarified that point, and it does not matter on that score which amendment is adopted, or whether the bill is adopted as it is, or whether the amendment of the gentleman from Utah is adopted. The effect is the same. The only thing is I think that the bill, as drawn, makes it a little more precise by not purporting to deprive the Secretary of the opportunity to evaluate his actions where the Federal Government itself has some ownership in the water, and I think that is a better way to do it.

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

Mr. WILLIAMS of Montana. I yield to the gentleman from Idaho.

Mr. CRAIG. I appreciate the concerns of my colleague from Montana about the endless litigation that sometimes occurs when an activity is attempted outside of, in this case, a national park.

Does the gentleman believe that the situation that has existed at Glacier and in relation to a proposed Federal highway would be changed as a result of this bill? Would it avoid litigation?

The CHAIRMAN. The time of the gentleman from Montana (Mr. WILLIAMS) has expired.

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

Mr. CRAIG. To continue, Mr. Chairman, my colleague from Montana, do you believe, let us assume then that the current Secretary said absolutely the highway is necessary, our studies indicate that there will be no major environmental consequences on the park or the park system and that some group decided that it did, and were able to find in some way a question as to whether the procedures that the Secretary or his people follow were somewhat, in their opinion, inadequate, that that would just magically keep that out of court?

Mr. WILLIAMS of Montana. I say to my colleague that question is a good one and goes to the heart of the matter which I and others have raised.

This legislation does not give to any Federal agency or officer mandatory control over whether or not a Federal

development should proceed. But it does establish guidelines under which that Federal agency or officer may make recommendations.

The point is that while this legislation does not stop a suit, it would give both the litigant and the judge information which is not now available to them from a prescribed agency of the Federal Government which has as its stewardship the care of the national parks. It seems to me that that may short circuit court action and at least help bring it to a conclusion.

Mr. CRAIG. You are telling me then the basis of the lawsuit in relation to the highway proposal near the Glacier area is as a result of a lack of Federal guidelines? It is a result of the lack of Federal guidance that is currently existent in the law, and that it is simply not the opposition of certain groups who feel there will be an environmental impact to the park itself?

Mr. WILLIAMS of Montana. This legislation is not going to eliminate disagreements about development in and around the parks. What this legislation is going to do is provide guidelines for the resolution of disputes.

The CHAIRMAN. The time of the gentleman from Montana (Mr. WILLIAMS) has again expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. WILLIAMS of Montana was allowed to proceed for 1 additional minute.)

□ 1600

Mr. WILLIAMS of Montana. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, the interesting thing is that on the question of actions by other agencies than the Interior Department such as the Department of Transportation, the gentleman's amendment and the bill as amended by my amendment are identical. The gentleman's amendment does not change section 11 at all. And that is the one that deals with this particular type of situation.

But as the gentleman from Montana (Mr. WILLIAMS) points out, this bill, as amended, provides for an orderly method whereby the Department of Transportation, in going ahead with the project, must inform the Secretary of Interior where there is a likelihood that it might have an adverse impact on the park. So it gets it all into an orderly procedure, as the gentleman from Montana has said, and it seems to me that everyone is ahead. But there is no quarrel on either side of the aisle with respect to that aspect of it.

So I think we have just covered it adequately.

PARLIAMENTARY INQUIRY

Mr. UDALL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. UDALL. Mr. Chairman, I had understood, when debate was limited on this amendment and all amendments thereto and to the bill, that we would close at 4:15. Has that remaining time been allocated?

The CHAIRMAN. No, it has not been.

Mr. UDALL. Mr. Chairman, is there any way, by unanimous consent, that we can do that so that we can wind this up? My problem is that the gentleman from Pennsylvania (Mr. MURPHY) has an amendment that we are going to accept, and if we do not finish this by 4:15, he may not get it in.

The CHAIRMAN. The Chair will state that he would have to get unanimous consent if the amendment was not printed in the RECORD and if he wants to speak.

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

Mr. Chairman, within the State of Utah there are five national parks, two national recreation areas and six national monuments. Any legislation that endeavors to create a buffer zone around the national park system has the potential to virtually halt almost all development in the south and southeastern portion of that State.

I have a breakdown of that acreage which is a grand total of 2,179,821 acres in my district and Mr. HANSEN'S district.

If the word "adjacent" is left undefined or broadly defined, it will effectively stifle the development of energy resources in Utah.

I may remind you that the greatest oil shale sand developments in the whole country are in Utah and we rank second to Colorado in oil shale, in addition to having a good deal of oil, uranium, and other things, coal as well.

If local government is not allowed to participate in the defining of the word "adjacent" then local communities will suffer greatly because they might be precluded from expanding or developing their economic base. This is not just a western problem. One example might be Washington, D.C., as Representative BROWN has already mentioned.

There are numerous national monuments within this area. There is the George Washington Parkway which the Park Service administers; it is possible that a Director of the National Park Service could close down all of Washington, D.C., because of the effects on national monuments because the city is adjacent to these Park Service lands.

Because of the number of parks and their size this bill would have the potential to cripple the economy of my district, and in California, and in other States. I do not think it is fair to punish local people because we have created parks near their homes.

I may indicate that most of the parks in my area that I am familiar with, Yosemite and others, that I have visited, already have built into them a buffer. They were enlarged, built with an internal buffer zone and they do not need a buffer outside in most cases.

Let me quote from the Director of the National Park Service in his testimony to the Interior Committee. He said:

By creating open ended areas the parks would be protected at the expense of all other needs and values.

He went on:

In fact, by requiring absolute protection yet providing no reasonable criteria for determining what would be deemed to impair Park services, the provisions of H.R. 2379 would encourage uncertainty and litigation.

I have some other comments also.

He goes on:

Section 12 authorizes and directs the Secretary to provide technical assistance to local governments for land use plans. A grant program is also authorized. We cannot support an open ended grant program for this, or any other, purpose. The budgetary impact of such a grant program could be very serious, especially in this period of limited Federal resources.

Within the State of Utah there are five national parks, two national recreation areas, and six national monuments. Any legislation that endevors to create a buffer zone around the national park system has the potential to virtually halt almost all development in the south and southeastern portion of the State. The following is a breakdown by district of the park system lands within the State and their total acres:

FIRST CONGRESSIONAL DISTRICT

National Parks: Bryce Canyon, 35,896 acres; Capitol Reef, 241,904 acres; Zions, 146,551 acres.
Total, 424,351 acres.
National Recreation Areas: None.
National Monuments: Cedar Breaks, 6,155 acres.
Total, 6,155 acres.
Net total, 430,506 acres.
Grand total, 2,179,821 acres.

THIRD CONGRESSIONAL DISTRICT

National Parks: Arches, 73,378 acres; Canyonlands, 337,570.
Total, 414,948 acres.
National recreation areas: Glen Canyon, 1,283,645 acres; Flaming Gorge, 94,308 acres.
Total, 1,283,645 acres.
National Monuments: Timpanogas, 250 acres; Dinosaur, 42,093; Rainbow Bridge, 160 acres; Havenweep, 440 acres; Natural Bridges, 7,779 acres.
Total, 50,722 acres.
Net total 1,749,315 acres.

First. If the word "adjacent" is left undefined or broadly defined it will effectively stifle the development of energy resources in Utah.

Second. If local government is not allowed to participate in the defining of the word "adjacent" then local communities will suffer greatly because they might be precluded from expanding or developing their economic base. One example is that of the Washington, D.C. There are numerous national monuments within the area. In addition there is the George Washington Parkway which the Park Service administrates. It is possible that a Director of the National Park Service Capital region and/or the Secretary of Interior could effectively close down all of District of Columbia because of the effects on national monuments because the city is adjacent to these Park Service lands.

Third. Because of the number of parks and their size this bill would have the potential to cripple the economy of my district. I do not feel that we should punish the local people because we have created a park near their homes.

Mr. HANSEN of Utah. Mr. Chairman, will the gentleman yield to me?

Mr. NIELSON of Utah. I yield to the gentleman.

Mr. HANSEN of Utah. I thank the gentleman for yielding.

Let me just make one point. The gentleman from Montana (Mr. WILLIAMS) did not have time to yield to me but I would like to make the point that he has an aluminum plant that exists just 6 miles from the Glacier which has informed us that if they had to go across private lands—or across public lands they would have to possibly shut down at this particular point.

But the, really, the point I wanted to make is that I think the people in this House should realize there are 334 parks, monuments, battlefields, trails, parkways, seashores, historic sites, and it goes on and on this way. And each of them comes under the purview of this act. It is not just a certain little park somewhere; it is parkways, trails, all of those things come in. I do not think we are asking for anything exorbitant; I do not think we are trying to gut this act. We are merely trying to perfect it so that it will be the type of legislation that will not create litigation, will not create problems, that will in fact enhance the parks, not take away from them. I think the Hansen amendment does that. I would surely urge support for the amendment.

PARLIAMENTARY INQUIRY

Mr. LUJAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LUJAN. Mr. Chairman, we undoubtedly will have a vote on this bill which will take us beyond 4:15, and I was wondering if it would be in order, by a unanimous-consent request, that we could change that 4:15 time so that the gentleman from Pennsylvania (Mr. MURPHY) would have time to offer his amendment after the vote on this amendment?

The CHAIRMAN. By unanimous consent, he can obtain time to debate his amendment.

Mr. LUJAN. I make such a request, Mr. Chairman.

Mr. BROWN of Colorado. Mr. Chairman, would the gentleman add to that unanimous-consent request my amendment as well? Could my amendment be included?

Mr. SEIBERLING. Reserving the right to object, Mr. Chairman, I am not aware of what amendment the gentleman is referring to.

Mr. BROWN of Colorado. If the gentleman will yield, Mr. Chairman, it simply addresses the water language we discussed; it would eliminate the exception for Federal claimed water.

Mr. SEIBERLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is the gentleman making a request for additional time? What is the gentleman seeking to do?

Mr. UDALL. Mr. Chairman, I ask unanimous consent that following the vote on the pending Hansen amendment the gentleman form Colorado (Mr. BROWN) have 3 minutes and some member in opposition have 3 minutes for debate; and that the same request be extended to the amendment of the gentleman from Pennsylvania (Mr. MURPHY).

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

There was no objection.

● Mr. MINETA. Mr. Chairman, I rise against the amendment offered by the gentleman from Utah (Mr. HANSEN).

H.R. 2379, the National Park System Protection Act, makes an important statement. It recognizes and writes into law that protection for national parks within their boundaries only is not enough. It states clearly that we must take extra steps to protect these special places of our natural heritage for they are threatened by activities outside their boundaries as well as by overuse and neglect within their borders.

National parks are established because they are unique areas of extreme beauty. They are worthy of our fullest attention because they provide Americans with outdoor experiences unsurpassed elsewhere. We are the guardians of these parks as a Federal legislators we must take further action to protect them.

We cannot view these gems of nature, these invaluable natural resources in a vacuum. They are not isolated areas plunked down in the middle of wastelands, with huge fences around them for protection. A coal-fired powerplant down the road, an airport next door, or a shopping mall nearby are all going to adversely affect a national park. Smog travels in the winds, noise can be heard for miles around an airport, and traffic congestion ties up roads and creates hazards for wildlife and vacationers.

Recognizing the importance of monitoring developing outside the borders of our national parks, H.R. 2379 proposes well-reasoned and necessary measures to insure that the integrity of our park system is maintained. The legislation does not infringe on the rights of land developers or on anyone else's rights. Indeed, it protects the interests of the millions of Americans who visit our national parks each year or who are fortunate enough to live near them.

The amendment at hand essentially refutes the basic premise of this bill. The amendment would eliminate the special consideration our Secretary of the Interior must give to proposed developments adjacent to national parks. Adjacent means "next to" or "near." We have learned the hard way that our parks are endangered by air pollution, poor water quality, noise, and industrial wastes from activities next to or near their borders. To gut this important bill with the amendment would be a grave mistake.

How can we be sure that projects outside park boundaries will not adversely affect the very places we are trying to protect? The Secretary of the Interior must be given the authority to recommend how development near national parks should proceed or these valuable areas will continue to suffer from outside influences. This bill is a moderate, reasonable assurance that we will have environmental assessments made before we jeopardize the quality of our parks.

I urge my colleagues to vote against the amendment offered by the gentleman from Utah and to preserve the main purpose of this legislation.●

Mr. UDALL. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. HANSEN) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL) as amended.

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

RECORDED VOTE

Mr. HANSEN of Utah. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 245, not voting 28, as follows:

[Roll No. 377]

AYES—160

Anthony	Billey	Carney
Archer	Bosco	Chandler
Barnard	Breaux	Chappell
Bartlett	Broomfield	Chappie
Bateman	Brown (CO)	Cheney
Bevill	Burton (IN)	Clinger
Bilirakis	Campbell	Coats

Coleman (MO)	Hyde	Quillen
Conable	Jenkins	Rahall
Craig	Jones (OK)	Reid
Crane, Daniel	Kasich	Ritter
Crane, Philip	Kindness	Roberts
Daniel	Kogovsek	Robinson
Dannemeyer	Kramer	Rogers
Daub	Lagomarsino	Roth
Davis	Latta	Rowland
DeWine	Leath	Rudd
Dickinson	Lent	Schaefer
Dorgan	Lewis (CA)	Schulze
Dreier	Lewis (FL)	Shaw
Duncan	Livingston	Shelby
Dyson	Lloyd	Shumway
Edwards (OK)	Loeffler	Shuster
Emerson	Lott	Siljander
English	Lowery (CA)	Skeen
Erlenborn	Lujan	Smith (NE)
Fiedler	Lungren	Smith, Denny
Fields	Madigan	Smith, Robert
Flippo	Marlenee	Snyder
Forsythe	Marriott	Solomon
Franklin	Martin (NY)	Spence
Frenzel	McCain	Stangeland
Gekas	McCandless	Stenholm
Gingrich	McCollum	Stump
Goodling	McCurdy	Sundquist
Gradison	Michel	Tauzin
Gramm	Miller (OH)	Taylor
Gregg	Mollohan	Thomas (CA)
Gunderson	Montgomery	Thomas (GA)
Hall, Ralph	Moore	Vander Jagt
Hall, Sam	Moorhead	Vandergriff
Hammerschmidt	Morrison (WA)	Vucanovich
Hance	Myers	Walker
Hansen (ID)	Natcher	Watkins
Hansen (UT)	Nielson	Whittaker
Hartnett	Olin	Whitten
Hightower	Ortiz	Wilson
Hiler	Oxley	Winn
Hillis	Packard	Wolf
Holt	Pashayan	Wortley
Hopkins	Patman	Young (AK)
Hubbard	Paul	Zschau
Huckaby	Petri	
Hunter	Pursell	

NOES—245

Ackerman	Courter	Hall (IN)
Addabbo	Coyne	Hamilton
Akaka	Crockett	Harkin
Albosta	de la Garza	Harrison
Alexander	Dellums	Hatcher
Anderson	Derrick	Hayes
Andrews (NC)	Dicks	Hefner
Andrews (TX)	Dixon	Hertel
Annunzio	Donnelly	Horton
Applegate	Dowdy	Howard
Aspin	Downey	Hoyer
AuCoin	Durbin	Hughes
Barnes	Dwyer	Hutto
Bates	Dymally	Ireland
Bedell	Early	Jacobs
Beilenson	Eckart	Jeffords
Bennett	Edgar	Johnson
Bereuter	Edwards (AL)	Jones (NC)
Berman	Edwards (CA)	Jones (TN)
Bethune	Erdreich	Kaptur
Biaggi	Evans (IA)	Kastenmeier
Boehlert	Evans (IL)	Kazen
Boland	Fazio	Kemp
Boner	Feighan	Kennelly
Bonior	Ferraro	Kildee
Bonker	Fish	Kolter
Borski	Florio	Kostmayer
Boucher	Foglietta	LaFalce
Boxer	Foley	Lantos
Britt	Ford (MI)	Leach
Brown (CA)	Fowler	Lehman (CA)
Broyhill	Frank	Lehman (FL)
Bryant	Frost	Leland
Byron	Fuqua	Levin
Carper	Garcia	Levine
Carr	Gaydos	Lipinski
Clarke	Gejdenson	Long (LA)
Clay	Gephardt	Long (MD)
Coelho	Gibbons	Lowry (WA)
Coleman (TX)	Gilman	Luken
Collins	Glickman	Lundine
Conte	Gonzalez	Mack
Conyers	Gore	MacKay
Cooper	Gray	Markey
Corcoran	Green	Martin (NC)
Coughlin	Guarini	Martinez
Matsui	Porter	St Germain
Mavroules	Price	Staggers
Mazzoli	Rangel	Stark
McCloskey	Ratchford	Stokes
McDade	Ray	Stratton
McEwen	Regula	Studds
McHugh	Richardson	Swift
McKernan	Ridge	Synar
McKinney	Rinaldo	Tallon
Mica	Rodino	Tauke
Mikulski	Roe	Torres
Mineta	Roemer	Torricelli
Minish	Rostenkowski	Towns
Mitchell	Roukema	Traxler
Moakley	Roybal	Udall
Molinari	Russo	Valentine
Moody	Sabo	Vento
Morrison (CT)	Savage	Volkmer
Mrazek	Sawyer	Walgren
Murphy	Scheuer	Waxman
Murtha	Schneider	Weaver
Neal	Schroeder	Weber
Nelson	Schumer	Weiss
Nichols	Seiberling	Wheat
Nowak	Sensenbrenner	Whitley
Oakar	Shannon	Williams (MT)
Oberstar	Sharp	Williams (OH)
Obey	Sikorski	Wise
Ottinger	Sisisky	Wolpe
Owens	Skelton	Wright
Panetta	Slattery	Wyden
Patterson	Smith (FL)	Wylie
Pease	Smith (IA)	Yates
Penny	Smith (NJ)	Yatron
Perkins	Snowe	Young (MO)
Pickle	Spratt	

NOT VOTING—28

Badham	Hawkins	Pritchard
Boggs	Heftel	Rose
Brooks	Levitas	Simon
Burton (CA)	Martin (IL)	Solarz
D'Amours	McGrath	Whitehurst
Daschle	McNulty	Wirth
Dingell	Miller (CA)	Young (FL)
Fascell	O'Brien	Zablocki
Ford (TN)	Parris	
Hall (OH)	Pepper	

□ 1620

The Clerk announced the following pairs:

On this vote:

Mr. Parris for with Mr. D'Amours against.

Mr. Badham for, with Mrs. Burton of California against.

Mrs. Martin of Illinois for, with Mr. Wirth against.

Messrs. WEBER, McEWEN, ROYBAL, and HORTON changed their votes from "aye" to "no."

Mr. ROGERS changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute, as amended, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MURPHY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL, AS AMENDED

Mr. MURPHY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. MURPHY to the amendment in the nature of a substitute offered by Mr. UDALL, as amended: At the end of section 18, insert:

For purposes of this Act the terms "significant adverse effect on the values for which such national park system was established", and "degrade or threaten the natural or cultural resources of any such unit" shall not include the activity of hunting in areas adjacent to any unit of the national park system where such activity is not in violation of State or Federal law or regulation.

Mr. MURPHY (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. The gentleman from Pennsylvania (Mr. MURPHY) is recognized for 3 minutes, pursuant to the agreement.

Mr. MURPHY. Mr. Chairman, my amendment spells out that H.R. 2379 is neither intended nor should be used as a vehicle to restrict hunting opportunities where it is already allowed by State law, Federal law or regulation. It will guarantee American sportsmen that their hunting opportunities will not be adversely effected by passage of H.R. 2379.

Supporters of H.R. 2379 have consistently maintained that the bill is not aimed at reducing hunting opportunities. Nevertheless, the ambiguities in present law and regulation make it imperative that these guarantees be adopted into law.

Without such protection America's sportsmen and wildlife managers may find hunting opportunities significantly restricted by bureaucratic fiat at some future date.

My amendment simply makes it clear that H.R. 2379 is neither intended nor should be used as a vehicle to restrict hunting opportunities, and I would urge my colleagues to support this amendment.

□ 1630

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

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

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, by the definition of hunting, I understand that the gentleman does not intend to include trapping in that phrase. Is that correct?

Mr. MURPHY. The gentleman is correct. It does not include trapping.

Mr. SEIBERLING. Mr. Chairman, we have no objection to the amendment, and I will support the amendment.

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

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

Mr. ALBOSTA. I thank the gentleman for yielding.

Mr. Chairman, I rise to commend my colleague from Pennsylvania, AUSTIN MURPHY, for offering his amendment concerning hunting to the Park Protection Act. As you so well know, Michigan has some of the best hunting lands this side of the Mississippi. I

have spent a lifetime hunting in Michigan as well as many of my constituents. Speaking on behalf of the hunters in my State, I would like to express my strong support for this amendment.

It is important to my fellow hunters and to me that our interests are protected from those who would infringe upon our rights with a red line of bureaucratic tape.

Congressman MURPHY's amendment clarifies the fact that H.R. 2379 will not adversely effect the hunting community of America. I urge my colleagues to join me in support of this amendment.

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

Mr. MURPHY. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY), and urge its adoption.

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

Mr. MURPHY. I yield to the gentleman from Tennessee.

Mr. GORE. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Murphy amendment. America's hunters have a right to expect diligence by this Congress in protecting the hunting areas to which access is not allowed. I commend my colleague for his alertness in offering this amendment and I urge every Member to vote for it.

The CHAIRMAN. The Chair recognizes the gentleman from Utah (Mr. HANSEN) for 3 minutes.

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

Mr. HANSEN of Utah. I yield to the gentleman from Texas.

Mr. GRAMM. I thank the gentleman for yielding.

Mr. Chairman, supporters of H.R. 2379 have said consistently that this bill does not reduce hunting opportunities. We have an opportunity in the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY) to assure that that is the case.

Mr. Chairman, I urge my colleagues to vote "aye."

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Utah. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, I commend my colleague, the gentleman from Pennsylvania (Mr. MURPHY), for offering this amendment. I have far too often seen the abuse of our laws by bureaucratic artistic license. Keeping America's land open to hunters is too important to be entrusted to unelected bureaucrats.

The amendment offered by the gentleman from Pennsylvania (Mr. MURPHY) clearly identifies hunting as a wildlife management tool which should be protected. I fully support this amendment and urge my colleagues to do likewise.

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

Mr. HANSEN of Utah. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I would like to express my strong support for my colleague's amendment. As a hunter, I know the importance this activity has in sound wildlife management practice.

It is important to my fellow hunters and to me that our interests be protected from those who would intrude upon our rights with bureaucratic redtape.

Congressman MURPHY's amendment reinforces the fact that H.R. 2379 will not adversely effect the hunting community of America. I thank him for offering the amendment, and urge the rest of my colleagues join me in support of it.

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

Mr. HANSEN of Utah. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY).

Mr. HANSEN of Utah. Mr. Chairman, we have no problem with the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY).

● Mr. RICHARDSON. Mr. Chairman, I support the Murphy amendment to H.R. 2379, the park protection bill authored by the gentleman from Ohio (Mr. SEIBERLING). This amendment makes clear that this bill if it becomes law, should not be used and is not intended to be used as a vehicle to restrict hunting opportunities where they are already allowed by State or Federal law.

I think this is a sound and fair amendment, Mr. Chairman. The purpose of this bill is to insure our national parks are protected from imprudent and unwise development activities. It is not designed to lessen the existing rights of sportsmen in our national parks. I urge my colleagues to vote in favor of this important amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL).

The amendment to the amendment in the nature of a substitute, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF COLORADO TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL, AS AMENDED

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado to the amendment in the nature of a substitute offered by Mr. UDALL as amended: In section 10(c) insert after the word "water" a period and strike out the words thereafter.

The CHAIRMAN. The gentleman from Colorado (Mr. BROWN) is recognized for 3 minutes in support of his amendment.

Mr. BROWN of Colorado. Mr. Chairman, I will try to be brief.

Mr. Chairman, this amendment merely makes it clear that Government-claim water will not be part of this bill. It will not fall under the adjacent impact. I think it clarifies a point of major concern by all who have looked at this measure.

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

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

Mr. BROWN of Colorado. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Chairman, with this clarification that this would not hold for claim land, I certainly support the gentleman's amendment and thank him for offering it.

Mr. BROWN of Colorado. I thank the gentleman.

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

Mr. BROWN of Colorado. I would be glad to yield to the chairman, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, depending on the answer I get, we may or may not accept this amendment.

As I understand it, this amendment is not intended in any way to abandon any control or rights which the Federal Government has over waters which it has a legal right to control. Is that correct?

Mr. BROWN of Colorado. The gentleman is absolutely correct.

Mr. SEIBERLING. Mr. Chairman, on that basis I have no objection to the amendment and will support the amendment.

Mr. BROWN of Colorado. I thank the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. BROWN) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL), as amended.

The amendment to the amendment in the nature of a susbtitute, as amended, was agreed to.

AMENDMENT OFFERED BY MR. SEIBERLING TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL, AS AMENDED

Mr. SEIBERLING. Mr. Chairman, I offer a conforming amendment, which was printed in the RECORD of Monday, October 3, 1983, to the amemdment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING to the amendment in the nature of a substitute offered by Mr. UDALL, as amended: Page 26, Strike out line 21 and all that follows down through line 4 on page 27.

Mr. SEIBERLING (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 Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Chairman, I will not take very long.

This is simply a conforming amendment that removes the definition of "legislative day" since our amendments to sections 10 and 11 eliminated all reference to that. That definition is no longer needed. It is surplusage and, therefore, I offer this amendment to take it out.

Mr. HANSEN of Utah. Mr. Chairman, we have no objections to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL), as amended.

The amendment to the amendment in the nature of a substitute as amended, was agreed to.

The CHAIRMAN. The question is now on the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL), as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

● Mr. WAXMAN. Mr. Chairman, I rise in support of H.R. 2379, the National Park System Protection and Resource Management Act, because our national parks cannot afford 1 more day of neglect. These parks evoke awe and wonder in the hearts of tens of millions of park visitors from all over the world each year, and yet we do not know what potential or urgent problems are challenging them.

Our ignorance of the threats to America's wilderness is not benign neglect, it is benign abuse.

This bill is designed to achieve the modest goal of coordinating the Federal Government's activities affecting the national park system. It merely asks that the Department of the Interior oversee Federal responsibilities. It requires the Secretary of the Interior to certify that all actions taken by Federal agencies are consonant with our conservation policies. In addition, the Department shall present a state of the parks report to Congress every other year.

This bill does not create stifling Government regulation; it simply requires a modicum of supervision to preserve our parks.

Secretary Watt has not asked for funds to expand the national park system, preferring instead to protect the parks we already have. Why, then, does he oppose this attempt to monitor the threats to the national parks? This bill gives the Secretary of Interior the authority to implement his oft-stated goal of better maintenance; yet James Watt opposes this bill.

Damage to the American wilderness is irreversible. Air quality, ground water, and endangered plant and animal life take far more than a pound of cure for every ounce of damage. We can in no way be sure we are preventing such damage without better information, and H.R. 2379 provides us with the knowledge we need.

There have been a series of misconceptions about the thrust of H.R. 2379.

This bill does not, as its opponents have claimed, provide the Federal Government with vast veto power over all activities up to 100 miles from a national park. In seeking to watch areas adjacent to the parks, this bill merely makes certain that no Federal activities can harm a park's natural or cultural resources. The bill simply makes sure that the entire Federal Government adheres to a coherent policy concerning the national parks.

This bill does not, as some have charged, lengthen the Federal review process to create interminable delays in activities affecting the national parks. The program review requested of the Interior Department is specifically tailored to coincide with that of the Federal agency about which Interior is commenting.

Nor does this bill take autonomy away from local governments. It specifically creates grants to local governments so that they may participate in a newly coordinated planning process for the parks.

Over 300 million people visited the parks in 1982. We must not ignore our responsibility to serve the will of the American people and protect our national parks.●

● Mr. GEJDENSON. Mr. Chairman, I would like to add my strong support of H.R. 2379 to this debate. It is clear from the National Park Service's state of the national parks report that our national parks are increasingly vulnerable to degradation from a variety of internal and external threats. Such unique national treasures as the Everglades NPR and Yellowstone NPR are among the affected areas, areas which we on the Interior Committee believe may extend to the entire National Park System.

Under the circumstance, I fail to see what is so dangerous about requiring Federal agencies to notify the Secretary of the Interior of actions which will degrade the natural or cultural resources of a park. In my home State of Connecticut, we have the Appalachian Trail, which particularly concerns me. I am certain that my constituents and the people of Connecticut would support the National Park Service being informed of potential threats to that area, whether internal of adjacent in origin.

This bill will not provide a solution to all the problems which currently beset our national parks. It will, however, provide a means to monitor the condition of park resources and to identify and prevent future hazards to our threatened pristine areas.●

● Mr. KOSTMAYER. Mr. Chairman, I rise in support of Congressman MURPHY's amendment to H.R. 2379, the National Park System Protection Act. As a member of the Interior Committee, I strongly support this important amendment offered by Mr. MURPHY of Pennsylvania, which complements H.R. 2379 by insuring that passage of this legislation will not adversely affect hunting opportunities in the Federal lands covered under the bill. Congressman MURPHY's amendment enunciates the clear policy that the bill is neither intended nor should be used as a vehicle to restrict hunting opportunities where it is already allowed by State law, Federal law, or regulation.

I strongly and emphatically support, Mr. Speaker, hunting opportunities on our public lands which enhance the control of many species of animals. Hunting also provides recreation for millions of sportsmen throughout the country.

As a member of the Interior Committee, I have supported programs that protect our natural resources and at the same time, provide ample hunting opportunities. Sport hunters are among the most conservation-minded individuals. They enjoy the use of our open spaces and have been active in fighting for protection of our public lands and natural resources.

This has been demonstrated time and again by sportsmen in my very own district. For example, Jim McKnight, president of the Pennsylvania Federation of Sportsmen, has testified and fought hard for passage of H.R. 826, to declare a stretch of the Delaware River as wild and scenic under the National Wild and Scenic Rivers Act. I look forward to continuing to work with sports hunters in areas of mutual concern.

I urge my colleagues, Mr. Chairman, to support H.R. 2379. This is an impor-

tant piece of legislation, and I urge adoption of Congressman MURPHY's amendment to improve and clarify the intent of this bill.

This bill is good for the hunters and sportsmen of Pennsylvania.●

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MINISH) having assumed the chair, Mr. PERKINS, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2379) to provide for the protection and management of the National Park System, and for other purposes, pursuant to House Resolution 298, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. SEIBERLING. 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 321, nays 82, not voting 30, as follows:

[Roll No. 378]

YEAS—321

Ackerman	Boland	Conyers
Addabbo	Boner	Cooper
Akaka	Bonior	Corcoran
Albosta	Bonker	Coughlin
Alexander	Borski	Courter
Anderson	Boucher	Coyne
Andrews (NC)	Boxer	Crockett
Andrews (TX)	Breaux	Daub
Annunzio	Britt	Davis
Anthony	Broomfield	de la Garza
Applegate	Brown (CA)	Dellums
Aspin	Broyhill	Derrick
AuCoin	Bryant	DeWine
Barnard	Byron	Dicks
Barnes	Carney	Dixon
Bateman	Carper	Donnelly
Bates	Carr	Dorgan
Bedell	Chandler	Dowdy
Bellenson	Chappell	Downey
Bennett	Clarke	Duncan
Bereuter	Clay	Durbin
Berman	Clinger	Dwyer
Bethune	Coelho	Dymally
Bevill	Coleman (MO)	Dyson
Biaggi	Coleman (TX)	Early
Bilirakis	Collins	Eckart
Boehlert	Conable	Edgar
Boggs	Conte	Edwards (AL)
Edwards (CA)	Leland	Rodino
Erdreich	Lent	Roe
Evans (IA)	Levin	Roemer
Evans (IL)	Levine	Rostenkowski
Fazio	Lewis (FL)	Roukema
Feighan	Lipinski	Rowland
Ferraro	Lloyd	Roybal
Fiedler	Long (LA)	Russo
Fish	Long (MD)	Sabo
Flippo	Lott	Savage
Florio	Lowery (CA)	Sawyer
Foglietta	Lowry (WA)	Scheuer
Foley	Lujan	Schneider
Ford (MI)	Luken	Schroeder
Forsythe	Lundine	Schumer
Fowler	Mack	Seiberling
Frank	MacKay	Sensenbrenner
Franklin	Madigan	Shannon
Frenzel	Markey	Sharp
Frost	Martin (NC)	Shaw
Fuqua	Martinez	Shelby
Garcia	Matsui	Shuster
Gaydos	Mavroules	Sikorski
Gejdenson	Mazzoli	Siljander
Gephardt	McCloskey	Sisisky
Gibbons	McCollum	Skelton
Gilman	McDade	Slattery
Gingrich	McEwen	Smith (FL)
Glickman	McHugh	Smith (IA)
Gonzalez	McKernan	Smith (NJ)
Goodling	McKinney	Snowe
Gore	Mica	Snyder
Gradison	Mikulski	Spence
Gray	Miller (OH)	Spratt
Green	Mineta	St Germain
Gregg	Minish	Staggers
Guarini	Mitchell	Stark
Gunderson	Moakley	Stokes
Hall (IN)	Molinari	Stratton
Hamilton	Mollohan	Studds
Harkin	Montgomery	Sundquist
Harrison	Moody	Synar
Hatcher	Moorhead	Tallon
Hayes	Morrison (CT)	Tauke
Hefner	Mrazek	Tauzin
Hertel	Murphy	Taylor
Hightower	Murtha	Thomas (GA)
Holt	Natcher	Torres
Horton	Neal	Torricelli
Howard	Nelson	Towns
Hoyer	Nichols	Traxler
Huckaby	Nowak	Udall
Hughes	Oakar	Valentine
Hutto	Oberstar	Vander Jagt
Hyde	Obey	Vento
Ireland	Ortiz	Volkmer
Jacobs	Ottinger	Walgren
Jeffords	Owens	Waxman
Jenkins	Panetta	Weaver
Johnson	Pashayan	Weber
Jones (NC)	Patterson	Weiss
Jones (OK)	Pease	Wheat
Jones (TN)	Penny	Whitley
Kaptur	Perkins	Whittaker
Kasich	Petri	Whitten
Kastenmeier	Pickle	Williams (MT)
Kazen	Porter	Williams (OH)
Kemp	Price	Winn
Kennelly	Pursell	Wise
Kildee	Rangel	Wolf
Kolter	Ratchford	Wolpe
Kostmayer	Ray	Wortley
Kramer	Regula	Wright
LaFalce	Reid	Wyden
Lagomarsino	Richardson	Wylie
Lantos	Ridge	Yates
Leach	Rinaldo	Yatron
Lehman (CA)	Ritter	Young (MO)
Lehman (FL)	Roberts	Zschau

NAYS—82

Archer	Dickinson	Hansen (UT)
Bartlett	Dreier	Hartnett
Bosco	Edwards (OK)	Hiler
Brown (CO)	Emerson	Hillis
Burton (IN)	English	Hopkins
Campbell	Erlenborn	Hubbard
Chappie	Fields	Hunter
Cheney	Gekas	Kindness
Coats	Gramm	Kogovsek
Craig	Hall, Ralph	Latta
Crane, Daniel	Hall, Sam	Leath
Crane, Philip	Hammerschmidt	Lewis (CA)
Daniel	Hance	Livingston
Dannemeyer	Hansen (ID)	Loeffler
Lungren	Packard	Smith, Robert
Marlenee	Patman	Stangeland
Marriott	Paul	Stenholm
Martin (NY)	Quillen	Stump
McCain	Robinson	Swift
McCandless	Rogers	Thomas (CA)
McCurdy	Roth	Vandergriff
Michel	Rudd	Vucanovich
Moore	Schaefer	Walker
Morrison (WA)	Schulze	Watkins
Myers	Shumway	Wilson
Nielson	Skeen	Young (AK)
Olin	Smith (NE)	
Oxley	Smith, Denny	

NOT VOTING—30

Badham	Hawkins	Pritchard
Bliley	Heftel	Rahall
Brooks	Levitas	Rose
Burton (CA)	Martin (IL)	Simon
D'Amours	McGrath	Solarz
Daschle	McNulty	Solomon
Dingell	Miller (CA)	Whitehurst
Fascell	O'Brien	Wirth
Ford (TN)	Parris	Young (FL)
Hall (OH)	Pepper	Zablocki

□ 1650

The Clerk announced the following pair on this vote:

Mr. Levitas for, with Mr. Rahall against.

Mr. BILIRAKIS changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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 and passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE NECESSARY CHANGES IN ENGROSSMENT OF H.R. 2379, NATIONAL PARK SYSTEM PROTECTION AND RESOURCES MANAGEMENT ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 2379) to provide for the protection and management of the National Park System, and for other purposes, the Clerk be authorized to make necessary punctuation, grammatical, and technical changes in the bill, and to add section headings where appropriate.

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING THE 5-MINUTE RULE ON WEDNESDAY, OCTOBER 5, 1983

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit on Wednesday, October 5, 1983, at 2 p.m. for the purpose of marking up H.R. 2562—a bill to amend section 45 of the Shipping Act, 1916.

The ranking minority member of the committee, the gentleman from New Jersey (Mr. FORSYTHE) and the ranking minority member of the subcommittee, the gentleman from Kentucky (Mr. SNYDER) have been apprised of the markup date and time and are in accord with this request.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

DEFENSE PRODUCTION ACT OF 1950 EXTENSION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1852, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAFALCE) that the House suspend the rules and pass the Senate bill, S. 1852, as amended.

The question was taken.

Mr. BETHUNE. 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 233, nays 168, not voting 32, as follows:

[Roll No. 379]

YEAS—233

Addabbo	Bennett	Byron
Akaka	Bereuter	Campbell
Albosta	Bevill	Carney
Alexander	Biaggi	Carper
Anderson	Boggs	Carr
Andrews (NC)	Boland	Chappell
Andrews (TX)	Boner	Cheney
Annunzio	Bonker	Clarke
Anthony	Borski	Clay
Applegate	Boucher	Clinger
Aspin	Breaux	Coelho
AuCoin	Britt	Coleman (TX)
Barnard	Brown (CA)	Collins
Bellenson	Broyhill	Conte
Cooper	Jones (TN)	Reid
Coyne	Kaptur	Richardson
D'Amours	Kasich	Ridge
Davis	Kazen	Rinaldo
de la Garza	Kindness	Ritter
Derrick	Kogovsek	Rodino
Dickinson	Kolter	Roe
Dicks	Kramer	Rostenkowski
Dixon	LaFalce	Roth
Donnelly	Lagomarsino	Rowland
Dorgan	Lehman (CA)	Russo
Dowdy	Leland	Sabo
Downey	Lent	Schaefer
Dwyer	Levin	Schulze
Dyson	Lipinski	Schumer
Eckart	Long (LA)	Seiberling
Edwards (AL)	Long (MD)	Sharp
Erdreich	Lowery (CA)	Shelby
Evans (IA)	Lowry (WA)	Shumway
Feighan	Lujan	Sikorski
Fiedler	Luken	Siljander
Flippo	Lundine	Sisisky
Florio	MacKay	Skeen
Foglietta	Madigan	Skelton
Foley	Markey	Smith (FL)
Ford (MI)	Marlenee	Smith (IA)
Fowler	Marriott	Smith (NE)
Frank	Martin (NC)	Smith (NJ)
Frost	Martinez	Spence
Fuqua	McCain	St Germain
Garcia	McCloskey	Staggers
Gaydos	McHugh	Stenholm
Gejdenson	McKinney	Stokes
Gephardt	Mica	Stump
Gilman	Michel	Swift
Glickman	Mikulski	Synar
Gonzalez	Miller (OH)	Tallon
Gradison	Minish	Tauzin
Gray	Mitchell	Thomas (CA)
Guarini	Moakley	Thomas (GA)
Hall (IN)	Mollohan	Torres
Hall, Ralph	Montgomery	Torricelli
Hall, Sam	Moorhead	Towns
Hamilton	Morrison (CT)	Traxler
Hance	Morrison (WA)	Udall
Hansen (UT)	Murphy	Valentine
Harrison	Murtha	Vander Jagt
Hartnett	Natcher	Vento
Hatcher	Neal	Volkmer
Hefner	Nelson	Whitley
Hertel	Nowak	Whitten
Hightower	Oakar	Williams (OH)
Hillis	Oberstar	Wilson
Horton	Ortiz	Winn
Howard	Owens	Wise
Hoyer	Packard	Wolpe
Hubbard	Patman	Wortley
Huckaby	Pease	Wright
Hughes	Penny	Wylie
Hutto	Perkins	Yates
Hyde	Petri	Yatron
Ireland	Pickle	Young (AK)
Johnson	Price	Young (MO)
Jones (NC)	Ratchford	

NAYS—168

Archer	Crockett	Gore
Barnes	Daniel	Gramm
Bartlett	Dannemeyer	Gregg
Bateman	Daub	Gunderson
Bates	Dellums	Hammerschmidt
Bedell	DeWine	Hansen (ID)
Berman	Dreier	Harkin
Bethune	Duncan	Hayes
Bilirakis	Durbin	Hiler
Boehlert	Dymally	Holt
Bonior	Early	Hopkins
Bosco	Edgar	Hunter
Boxer	Edwards (CA)	Jacobs
Broomfield	Edwards (OK)	Jeffords
Brown (CO)	Emerson	Jenkins
Bryant	English	Jones (OK)
Burton (IN)	Erlenborn	Kastenmeier
Chandler	Evans (IL)	Kemp
Chappie	Fazio	Kennelly
Coats	Ferraro	Kildee
Coleman (MO)	Fields	Kostmayer
Conable	Fish	Lantos
Conyers	Forsythe	Latta
Corcoran	Franklin	Leach
Coughlin	Frenzel	Leath
Courter	Gekas	Lehman (FL)
Craig	Gibbons	Levine
Crane, Daniel	Gingrich	Lewis (CA)
Crane, Philip	Goodling	Lewis (FL)
Livingston	Panetta	Smith, Denny
Lloyd	Pashayan	Smith, Robert
Loeffler	Patterson	Snowe
Lott	Paul	Snyder
Lungren	Porter	Spratt
Mack	Pursell	Stangeland
Martin (NY)	Quillen	Stark
Matsui	Rangel	Stratton
Mavroules	Ray	Studds
Mazzoli	Regula	Sundquist
McCandless	Roberts	Tauke
McCollum	Robinson	Taylor
McCurdy	Roemer	Vandergriff
McDade	Rogers	Vucanovich
McEwen	Roukema	Walgren
McKernan	Roybal	Walker
Mineta	Rudd	Watkins
Molinari	Savage	Waxman
Moody	Sawyer	Weaver
Moore	Scheuer	Weber
Mrazek	Schneider	Weiss
Myers	Schroeder	Wheat
Nichols	Sensenbrenner	Whittaker
Nielson	Shannon	Williams (MT)
Obey	Shaw	Wolf
Olin	Shuster	Wyden
Oxley	Slattery	Zschau

NOT VOTING—32

Ackerman	Hawkins	Pritchard
Badham	Heftel	Rahall
Bliley	Levitas	Rose
Brooks	Martin (IL)	Simon
Burton (CA)	McGrath	Solarz
Daschle	McNulty	Solomon
Dingell	Miller (CA)	Whitehurst
Fascell	O'Brien	Wirth
Ford (TN)	Ottinger	Young (FL)
Green	Parris	Zablocki
Hall (OH)	Pepper	

□ 1710

Messrs. McCURDY, RAY, BRYANT, WHEAT, and ROEMER changed their votes from "yea" to "nay".

So the motion was rejected.

The result of the vote was announced as above recorded.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight, October 4, 1983, to file certain privileged reports.

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

There was no objection.

LUPUS AWARENESS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (S.J. Res. 102) to designate the week of October 16, 1983, through October 22, 1983, as Lupus Awareness Week, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I reserve the

right to object to indicate that the minority has no problem with the legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 102

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 16, 1983, through October 22, 1983, is designated as "Lupus Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

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

METROPOLITAN OPERA DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (S.J. Res. 128) to designate the day of October 22, 1983, as Metropolitan Opera Day, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WEISS. Mr. Speaker, reserving the right to object, I will not object. I will not only not object but I want to commend the gentlewoman for the expeditious manner in which her subcommittee and she dealt with this matter.

Further reserving the right to object, Mr. Speaker, October 22, 1983, marks the 100th anniversary of the Metropolitan Opera Company, one of the Nation's greatest cultural institutions and the most renowned opera company in the world.

I introduced House Joint Resolution 317 on July 12, asking the President to declare October 22 to be Metropolitan Opera Day throughout the United States. A total of 227 Members of this House have joined me in paying tribute to the Met by cosponsoring that resolution. On September 20, the Senate passed an identical resolution, introduced by New York Senators MOYNIHAN and D'AMATO.

The broad support for the resolution is representative of the Met's popularity throughout the Nation as well as the love for opera it has fostered. Americans have always considered the Metropolitan Opera to be a national treasure, and the Met has lived up to that reputation. One hundred years ago, the Met initiated its annual tour of American cities, a tradition that continues to this day. More than 50 years ago, the Met embarked on another effort to reach millions of music lovers—its Saturday afternoon radio broadcasts. Through these and a variety of other endeavors, the Met has cultivated an appreciation of opera that now thrives in dozens of local opera companies as well as thousands of communities.

The celebration planned for October 22 is a gala tribute to opera in America as well as a centennial spectacular for a matriarch of American arts. I am honored to represent the district in which the Met makes its home and pleased to play a role in this tribute.

There are at this point 227 Members of the House who have joined me in cosponsoring this resolution. I commend the committee for reporting the matter out.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Reserving the right to object, Mr. Speaker, I want to indicate that the minority has looked this legislation over, and in fact we are very much in favor of it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 128

Whereas the Metropolitan Opera is one of the world's premier performing arts organizations and has an audience larger than that of any other such organization in the world;

Whereas the Metropolitan Opera, since its first performance one hundred years ago on October 22, 1883, has provided the finest quality in opera to audiences throughout the Nation;

Whereas the Metropolitan Opera pioneered radio presentations of live opera, performing on radio for more than forty years and more recently on television;

Whereas the Metropolitan Opera has toured the United States since its founding in 1883;

Whereas the Metropolitan Opera provides educational services to the people of the United States by generously encouraging and training young artists and by providing technical and managerial assistance to other opera companies in the Nation;

Whereas the Metropolitan Opera has presented renowned performing arts companies from all over the world at the Opera House;

Whereas the Metropolitan Opera House, which is maintained by the company, is one of the Nation's treasures and one of the greatest performing arts theaters in the world; and

Whereas, throughout its long history, the Metropolitan Opera Company has fostered generations of music lovers and has enriched and inspired this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating October 22, 1983, the one hundredth anniversary of its first performance, as "Metropolitan Opera Day" throughout these United States.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, the Metropolitan Opera is one of the world's premier performing arts organizations and has an audience larger than that of any other such organization in the world. The Metropolitan Opera has provided the finest quality in opera to audiences throughout the Nation. Also, throughout its long history, the Metropolitan Opera Company has fostered generations of music lovers and has enriched and inspired this Nation. Mr. Speaker, I urge adoption of this resolution which authorizes and request the President to proclaim October 22, 1983, as Metropolitan Opera Day.

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

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unable to cast my vote on rollcall No. 375, in which the House voted on whether or not to recede and concur with Senate amendment No. 7 of the conference report accompanying House Joint Resolution 368, continuing resolution. Had I been present, I would have voted "aye."

GRASSROOTS LABOR SUPPORT FOR CLINCH RIVER

(Mr. YOUNG of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Missouri. Mr. Speaker, it is generally acknowledged that the Clinch River breeder reactor project has the vigorous support of private industry. More than 750 utilities have put their money where their mouth is, to the tune of some $325 million of which $150 million has already been spent on the project. What may not be as well known, however, is the strong grassroots labor support the project enjoys.

By now, most Members may have received a letter from Bob Georgine, president of the AFL-CIO Building and Construction Trades Department. I believe the letter offers a strong argument for completion of this crucial breeder reactor demonstration program. I am, therefore, including it in the RECORD so that all members can

recognize that, contrary to the incantations of the project's opponents, hardworking taxpayers are sufficiently astute to recognize the important role of the breeder reactor in this Nation's quest for energy independence. I urge each member to read the letter and share Mr. Georgine's insights.

The letter follows:

BUILDING & CONSTRUCTION TRADES DEPARTMENT, AFL-CIO,
Washington, D.C., September 22, 1983.

HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR CONGRESSMAN: In just a few days you will be casting what could be a final vote on the Clinch River Breeder Reactor Project. I am writing to urge your support for the completion of this important project.

As you may know, in addition to my duties as President of the Building and Construction Trades Department, I also chair a national coalition known as the Committee on Jobs, Environment and Technology. This remarkable coalition numbers among its members 17 unions, the U.S. Chamber of Commerce, the NAACP, the General Federation of Women's Clubs, the National Association of Manufacturers, the National Conference of Black Mayors, the National Black Caucus of State Legislators and many other concerned organizations.

We joined together because we all share a concern about America's future, particularly America's energy future. We believe America must meet its commitment, first made more than 30 years ago, to develop and demonstrate promising, renewable energy technologies which can help provide the energy security we all agree is so important. We believe the completion of the Clinch River Project, the demonstration stage for one of those promising, renewable energy technologies, is one important step towards meeting that commitment.

To date, $1.5 billion has already been spent on the project. It is estimated that completion will cost another $2.5 billion. The project's design is 90% complete; more than 70% of the components are on site or on order; and site preparation is proceeding ahead of schedule and under budget. Because the project is so far along in its design and component procurement, especially compared with other similar sized projects, the General Accounting Office and the Department of Energy have both expressed strong confidence that the $2.5 biliion estimate for completion is accurate and reliable.

Moreover, under a new finance plan submitted by the Administration, 40 percent of that $2.5 billion will be provided from the private sector, reducing the budget outlays for the completion of Clinch River by $1 billion.

There are those who have expressed dissatisfaction with this plan because the ultimate financial burden continues to lie with the government, which will insure much of the private funding. However, when put to an objective analysis, such assurances seem only fair.

Clinch River, like so many other long term federal programs, has suffered dramatically from policy vacillations at the federal level. According to the General Accounting Office, 70 percent of the project's cost increases since 1974 are directly attributable to that vacillation and the funding shortfalls and uncertainties it created. It, therefore, seems only logical that private investors must have strong assurance from the government that such vacillation will not affect the project in the future. In addition, the project has always been and will continue to be a government project. Control over all aspects for the project, from construction to operation, rest with the government. Hence, it is again only logical that the government, as the entity in complete control, continue to assume the bulk of the risks involved.

In assessing the finance plan, we must also not forget the others who have made substantial contributions to Clinch River. The unsecured utility contribution of $325 million remains the largest private sector contribution to a federal R&D project.

And organized labor has also made a contribution to Clinch River which will help save the project tens of millions of dollars. Under an unprecedented agreement with management, work will be allowed to proceed ten hours a day, seven days a week, thereby reducing construction time dramatically. In addition, the agreement also eliminates the possibility of strikes or lockouts which could further delay and thereby increase the costs of the project. We signed this agreement because of our genuine commitment to Clinch River. It is our contribution to a venture of importance to all Americans.

As the vote on Clinch River approaches, I hope you will give serious consideration to the points I have raised. The Building and Construction Trades Department, the AFL-CIO and the many diverse organizations that belong to CJET, consider Clinch River one important part of an ongoing effort to provide America with a secure energy future. To turn our backs now would do more than waste the $1.5 billion already spent. It would place at risk much of what we have learned during the $5 billion, 30 year R&D program that has made Clinch River possible; and it could essentially eliminate breeder technology from an already short list of future energy options.

Japan, France, West Germany, the Soviet Union and others are all moving ahead with breeder programs of their own because they recognize the potential of the technology. The development of renewable energy technologies must be a priority in America as well. This generation and those that will follow, deserve no less.

I look forward to your support.

With kind regards, I am,

Sincerely,

ROBERT A. GEORGINE,
President, Building and Construction Trades Department; Chairman, Committee on Jobs, Environment and Technology.

LOS ANGELES TIMES CALLS ON JAMES WATT TO RESIGN

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

Mr. LEVINE of California. Mr. Speaker, the Los Angeles Times yesterday joined the growing list of responsible opinion leaders calling upon James Watt to resign from public office.

The Times called Watt a "Neanderthal conservative" and said:

We can think of only one reason why President Reagan would continue to tolerate James G. Watt in his Cabinet. He must agree with Watt's policies and he must still believe that the Interior Secretary has enough congressional support to carry them out.

I intend to attach the full editorial to the RECORD at the conclusion of my remarks. I commend it to my colleagues.

I also received yesterday a succinct letter from a constituent who said to me: "The problem is not James Watt; it is the man who hired him."

I urge my colleagues to keep reminding that man, the President, just how disgraceful it is for James Watt to remain in the Cabinet.

The editorial follows:

[From the Los Angeles Times, Oct. 3, 1983]

WATT AND CONGRESS

We can think of only one reason why President Reagan would continue to tolerate James G. Watt in his Cabinet. He must agree with Watt's policies and he must still believe that the Interior secretary has enough congressional support to carry them out.

But that explanation for the President's continuing forgiveness of Watt's insults and incivilities to women and minorities and to all who disagree with his Neanderthal conservatism went by the boards last Thursday in a congressional conference.

Senate and House negotiators dealt Watt a major defeat by rejecting his plan to open vast areas of California coastal waters to oil and gas exploration.

In addition to blocking a lease sale set for next February, the conferees agreed to a permanent prohibition against drilling within six miles of the Southern California coast and a one-year moratorium on drilling within 12 miles.

The California decisions, along with similar votes on sales off the New England and Florida coasts, could frustrate one of Watt's major policy initiatives—the leasing over the next five years of a billion offshore acres, virtually the entire outer continental shelf, for oil and gas exploration.

The conferees' action may not prevail. The restrictions on drilling must pass both houses of Congress and be signed by the President.

But this much is certain. Watt's boorish description last week of a federal advisory commission as having "a black, a woman, two Jews and a cripple" left him without Republican protection against rough treatment by committee Democrats.

A number of the negotiators, including Rep. Leon E. Panetta (D-Carmel Valley), said that Republican senators would not have given as much ground as they did if Watt had not brought further embarrassment to his party and the Administration. That was clearly the case.

There was no mention of a leasing moratorium in the Senate version of the appropriations bill, and its inclusion in the final recommendation was as much a repudiation of Watt as it was of his plans to sell the nation's coastline to the highest bidder.

A Republican senator—Pete Wilson of California—was responsible for yet another rebuff to Watt in the conference committee. Although the secretary rigidly opposes new parkland purchases this year, Wilson succeeded in adding to the Interior budget $15 million for land acquisitions in the Santa Monica Mountains.

We think that Watt has finally met his own criterion for resigning from the Cabi-

net: "When my liabilities outweigh my strengths, I should go." The only strengths Watt has brought to the Administration are the espousal of policies acceptable to the President and his appeal to the most conservative elements of the Republican Party.

The rejection of his policies is evidence that his unremitting derision of vast numbers of Americans on the basis of sex, religion, race and environmental philosophy impairs his ability to work with Congress.

And his abandonment by conservatives, in and out of Congress, is evidence that he is also becoming a political liability.

What is left? Loyalty to the President. And it's a strange loyalty that alienates huge constituencies crucial to Reagan's chances if he runs for reelection next year.

□ 1720

CASIMIR PULASKI

The SPEAKER pro tempore (Mr. MINISH). Under a previous order of the House, the gentleman from Pennsylvania (Mr. BORSKI) is recognized for 60 minutes.

Mr. BORSKI. Mr. Speaker, I have asked for this special order to honor Count Casimir Pulaski, Polish patriot and general in the American Continental Army during the Revolutionary War. Known by many as the "founder of the American Cavalry," General Pulaski bravely served the cause of American freedom.

I joined with the people of Philadelphia this past weekend to commemorate General Pulaski. As we stood at Independence Hall, we remembered his dedication and tireless efforts on behalf of our liberty. We remembered that those ideals are still held dear today by his countrymen in Poland. The rememberance of General Pulaski is symbolic for all Americans, for it illustrates the pride we all feel for this country.

As a young man in Poland, Pulaski joined with his father to create the Confederation of the Bar, which lead the Polish rebellion to gain independence from Russia. Pulaski quickly established a reputation as a military leader through several decisive victories. The capture of the Monastery at Chestochowa was of strategic importance for it housed the Black Madonna, a painting of the Virgin Mary, the patron and Queen of Poland. This victory had a great effect on Polish morale, and almost lead to the forced withdrawal of Russian troops from Poland.

Sadly, Pulaski did not prevail in his fight for Polish independence, and was forced to flee to Paris in 1775. Like other political activists and adventures of the ERA, Pulaski was not content to wait in exile in hopes that Poland could once again be free. Penniless, Pulaski was introduced to Benjamin Franklin. Franklin urged Pulaski to come to the aid of the American revolution. Pulaski agreed to travel to America, for he recognized that our fight for freedom was similar to his own in Poland.

Pulaski's skill as a leader and soldier were quickly recognized by Gen. George Washington. Through Washington's efforts, the Continental Congress made him a general and placed him in command of the Nation's inexperienced cavalry.

Pulaski is credited with saving General Washington and much of the American Army at the Battle of Brandywine. He had scouted the British at great personal risk close to their formations. Although the British prevailed in the battle, Pulaski's actions contributed to the future success of the war. Pulaski was also instrumental in the important American victory at Haddonfield, N.J.

Although successful on the battlefield, Pulaski was frustrated in his attempts to organize an effective cavalry within the existing American forces. He urged Washington and the Congress to create an independent mounted force that is known today as the "Pulaski Legion." The force revolutionized American strategy by employing a mix of infantry and cavalry armed with lances. Pulaski proved the effectiveness of the force at the battles of Egg Harbor and Charleston, where he forced the British to retreat from their siege of that city. Like Pulaski, the legion was comprised of foreign exiles who had come to America to fight for freedom. Although from foreign lands, all assumed the struggle for America's independence. Pulaski personally assumed much of the operating costs of the legion, an indication of his commitment to the cause of liberty.

During a daring attack on British positions at the battle of Savannah, Pulaski made the ultimate sacrifice for his adopted country. Pulaski fell wounded, and died 2 days later on October 11, 1779. Legend has it that shortly before his death, Pulaski asked to be buried at sea in order that he might be carried back to his native Poland to continue the fight for its independence.

His final wish is being fulfilled in Poland today. We are witness to the continuation of that struggle. Pulaski's spirit is evident in the solidarity movement. It has brought to the world's attention the same demands for basic human rights that Pulaski sought to attain for Poland and the United States. One such right is that a nation must be free from outside control.

The concept of freedom does not recognize national boundaries. We as a nation are linked with the Polish people in their pursuit of liberty. Americans have experienced oppressive rule by a foreign government. It is only natural that we lend our full support to the Polish people today. We can not rest while others continue to be denied their right to be free from foreign control.

A commemoration of Pulaski's life also is a recognization of the accomplishments made by Polish Americans and the hundreds of thousands of other immigrants to the United States. They pledged loyalty to their new country and contributed in many important ways to this Nation's greatness.

General Pulaski thus is symbolic of the aspirations of millions, both in our Nation's history and for the future of people everywhere. He is symbolic of man's love for freedom. Yet he is also symbolic of the contributions made by the many immigrants who have come to call America their home. Perhaps President Kennedy best explained why so much attention should be placed on a foreigner who was in America for less than 2 years.

He represented a different culture, a different language, a different way of life. But he had the same love of liberty as the people of this country, and therefore, he was an American as much as he was a Pole.

His importance is evident both in the numerous memorials and towns named after him in the United States. He is a man whose contributions should not be forgotten.

Mr. COYNE. Mr. Speaker, I am pleased to participate in this tribute to Casimir Pulaski, a patriot, a leader and, ultimately, a hero of the American Revolution.

A native of Poland, the young Pulaski fought in his homeland for many of the same ideals that dominate the political struggle in that nation today. The Polish Solidarity movement, in its battle against oppression and for human rights, reflects a similar devotion to justice and liberty.

Beginning as a volunteer member of Gen. George Washington's staff, Pulaski saw his enthusiasm and dedication to the cause of independence recognized when he was promoted to the rank of general, earning in the process the title "Father of the American Cavalry." He fought with distinction in the battle of Brandywine, and was later given command of the cavalry at Trenton and Flemington. Acting with Gen. Anthony Wayne, he played a major role in providing supplies to hungry troops at Valley Forge.

Gen. Casimir Pulaski died a tragic but gallant death while leading his cavalry at the siege of Savannah. It is a privilege to honor one who is clearly a hero not only to those Americans of Polish descent, but to the millions who believe love of country should go hand in hand with love of freedom.

The people of Poland, as events of the last few years have shown the world, believe, as Pulaski did, that to love one's country should be to love freedom. In honoring Pulaski, we pay

tribute to the justifiably renowned spirit of the Polish people.

● Ms. FERRARO. Mr. Speaker, on Sunday, October 2, I was proud to be among the 100,000 people who marched up Fifth Avenue to celebrate the 47th annual Pulaski Day Parade. Gen. Casimir Pulaski, the Polish patriot, is best remembered as an American Revolutionary War hero. Distinguishing himself at the Battle of Brandywine, General Pulaski was authorized by George Washington to reorganize the Continental Cavalry, earning himself the title "Father of the American Cavalry."

As the Representative of 14,000 Polish Americans, I know that Solidarity is strong in the hearts of Polish people everywhere. As we marched up Fifth Avenue, the banners declared "Union of Solidarity Still Lives." It is indeed fitting for this House to take time out today to remember Gen. Casimir Pulaski who once helped us to achieve the freedom and independence that the people of Poland still seek.●

● Mr. KOLTER. Mr. Speaker, there is perhaps no way to completely and accurately catalog the contributions that the millions of Polish Americans have made to the history and development of this country. The Polish community in America has taken a back seat to no other group with regard to loyalty, patriotism, and dedication. You have to start somewhere and the Polish contribution to America started with Casimir Pulaski in 1775.

Casimir Pulaski came to America to help the Revolution. Bringing with him considerable military experience, he created this Nation's first cavalry. He suffered with the troops at Valley Forge, conducted himself with courage as he led the seige of Charleston, and later was mortally wounded in the cause of American liberty during the seige of Savannah.

A township in my district is named for this great American hero. It could not be more aptly named, as the people of Pulaski clearly embody the spirit of American independence and dedication that Casimir Pulaski died in the service of. Casimir Pulaski was a great Pole, a great American, and a great man.●

● Ms. KAPTUR. Mr. Speaker, it is a particular pleasure for me to join in the special order honoring Casimir Pulaski, the Polish patriot and American Revolutionary War hero, because I represent a congressional district which includes many people with roots in a foreign land who have contributed so much to the United States. They were attracted by the freedom General Pulaski fought so heroically to establish during the American War for Independence.

General Pulaski was born in Poland and began his career as a military man at a young age. While still in his twenties, he led an unsuccessful uprising against Russia. Pulaski was arrested and condemned to death, but fortunately managed to escape to France. In France, he met that great patriot, Benjamin Franklin. Franklin was representing the American colonies and was a forceful advocate for the cause of independence for the American colonies. After talking it over with Franklin, Pulaski determined to travel to the United States and help fight for independence from England of the American Colonies.

Pulaski distinguished himself at the Battle of Brandywine. As a reward, Congress appointed him brigadier general in charge of cavalry. He organized an independent corps of calvary and light infantry that fought in the siege of Savannah. Pulaski was wounded during the battle for Savannah; he died there 2 days later.

It is a fitting memory to this Polish-American patriot that we recognize October 11 as Pulaski Day by act of Congress.●

● Mr. LIPINSKI. Mr. Speaker, I am proud to join with my colleague, Mr. BORSKI, in this special order commemorating Count Casimir Pulaski.

Count Pulaski came to this country in 1777, after having fought for his native Poland's independence. He soon obtained a commission as a brigadier general in the Revolutionary Army, and through daring and skill, won a number of important battles. Pulaski served in the Revolutionary Army with honor and distinction until he was mortally wounded in battle in October 1779.

Pulaski was a young man when he died, only 32 years old. He had been on these shores less than 2 years. He represented a different culture and a different way of life, but he had the same yearning for freedom and justice as every one of us here today. That love of liberty made him an American, as much as a Pole.

Like every country, America has had its share of immigrants seeking their fortune. But the United States is the only country in the world that attracts people, not for wealth or power, but for dignity. The Statue of Liberty urges the other countries of the world to "Give me your tired, your poor, your huddled masses yearning to breathe free." America's greatness lies in the millions of immigrants who, like Casimir Pulaski, have come here with nothing but a love of freedom.

Oppressed peoples across the world still dream of liberty. In Poland, Russia, Cambodia, and other countries, the people still long to come to America to enjoy the fruits of democracy. Our Nation is strong because people from all over the world have come to this country with the common goal of freedom. America will remain powerful as long as we continue to work together to maintain this freedom.

As we honor Casimir Pulaski today, let us also honor the millions of people who have worked and suffered for freedom in the United States and around the world. In their memory, let us pledge our hearts and souls to the cause of liberty here in the United States, in Poland, and around the globe.●

● Mr. MURPHY. Mr. Speaker, 206 years ago today, on October 4, 1777, brigadier general and first commander of the cavalry Casimir Pulaski fought in his first American battle in Germantown. He fought for freedom in the United States after unsuccessfully fighting for freedom in his native Poland. He was a man who tasted both freedom and oppression, but knew life could not exist without liberty. He was a Pole who spoke no English fighting alongside Colonialists with a passion for liberty seldom seen throughout history. He wrote, "I would rather live free, or die for liberty."

General Pulaski's tenure in the American Army was a turbulent and frustrating one. He resigned his commission to raise an independent cavalry corps. He gallantly fought several unsuccessful battles against insurmountable odds, and next week on October 11, we celebrate the 204th anniversary of his death. What we should learn from this brave man, who did not know his homeland would still be oppressed 200 years later, is that to maintain freedom we must be unselfish and persevere. To the people of Poland, I say be proud of your forefathers, men like Casimir Pulaski, who have taught you how to remain free in your hearts. Do not give up the fight because many unselfish Americans have also learned from General Pulaski and are beside you in your struggle for liberty.●

● Mr. ROE. Mr. Speaker, it is indeed a great honor to rise today to honor the great Polish patriot and American Revolutionary War hero Casimir Pulaski on the 205th anniversary of his death.

Count Casimir Pulaski was a loyal son to both Poland and America, devoting his life to fighting for freedom in both lands. On October 11, 1779, he made the ultimate sacrifice for his new homeland by giving his life during the Battle of Savannah in the American Revolution.

Mr. Speaker, Casimir Pulaski made that sacrifice so the people of America could one day live in peace, with liberty and justice for all. The love for freedom was deeply ingrained in the soul of this Polish patriot. In Poland, at the young age of 19, Casimir Pulaski joined with his father Joseph in forming the Confederation of the Bar, an organization devoted to resisting the foreign domination of imperialist Russia.

The brave young man's forces were no match for the Russian troops, and Casimir Pulaski was forced into exile in Turkey. But the safety of exile was no place for a man of his drive and dedication. Hearing of Ben Franklin's call for volunteers to fight for freedom in the new colony of America, he immediately offered his services in the battle for justice against the British.

Upon his arrival in Boston, 1777, Pulaski, with his reputation preceding him, received the command of the Continental Cavalry from George Washington. Later, Congress made him a general and chief of the Cavalry Pulaski's leadership in such battles as Brandywine, Trenton, Flemington, and Germantown earned him the title of "Father of the America Cavalry."

Pulaski's death at the young age of 32 was a devastating blow to the emerging American Nation. But his desire for peace for all peoples served as an inspiring force to the troops that eventually gained American its independence.

The spirit of Casimir Pulaski is alive today in the hearts and minds of the people of his Polish homeland as they battle daily in their own struggle for freedom from the Soviet Union.

Mr. Speaker, it is indeed fitting that we pay tribute to this great Polish-American hero on the anniversary of his death.●

● Mr. FOGLIETTA. Mr. Speaker, I rise today to join with my colleagues in honoring Casimir Pulaski. This Polish nobleman's never-ending dedication to freedom led him to forsake his aristocratic station in life to join the fight to rid his native country of foreign oppression, and to distinguish himself in the Revolutionary War fought by the American Colonies.

Pulaski, the soldier and revolutionary, was noted for his bravery, his skills as a horseman, and his passionate love of and dedication to freedom and liberty. As a member of the Confederation of the Bar, Pulaski was active in guerrilla warfare against Russian encroachment of Poland. His estate and wealth confiscated, Pulaski fled to Turkey, where he continued the fight, attempting to raise Turkish attacks against the Russians. Eventually, he ended up destitute in Paris, where he was thrown into debtors' prison.

High-ranking officials in the French Government came to Pulaski's aid, freeing him from prison and introducing him to Benjamin Franklin, who was representing the American Colonies in Paris. Franklin sent Pulaski to America, with a letter of introduction to George Washington. In a letter to a friend at this time, Pulaski wrote:

> I would rather live free, or die for liberty. I suffer more because I cannot avenge myself against the tyranny of those who seek to oppress humanity. That is why I want to go to America . . .

In America, Casimir Pulaski further demonstrated his military skill and dedication to the cause of liberty. He served first as a volunteer on General Washington's staff, not content to wait for a commission as an officer. In seeking that commission, Pulaski wrote to the Congress, ". . . I could not submit to stoop before the sovereigns of Europe, so I came to hazard all for the freedom of America." He was soon named brigadier general in charge of the American Cavalry Forces. And "hazard all" he did, distinguishing himself by repeated acts of courage.

But Casimir Pulaski's importance goes far beyond his military prowess. Yes, he is known as the "Father of the American Cavalry" and yes, he did form the renowned "Pulaski Legion," an independent militia. But while we remember Pulaski's contributions to many significant battles, he is important for more than his individual accomplishments.

Casimir Pulaski is a symbol. He personifies the intense love of liberty that characterizes the Polish people even today, as they continue the fight against Soviet oppression, a struggle not unlike the one led by Pulaski himself 200 years ago.

Pulaski's story is also a uniquely American one. He epitomizes our American heritage. We are a nation of immigrants, many of whom fled persecution in their native lands for an opportunity to live in freedom. Casimir Pulaski was one such immigrant. Ours is a nation founded on the principle that liberty is worth fighting for. Pulaski, as much as any other figure in American history, exemplifies that principle.

It is fitting that each year we honor Casimir Pulaski on the anniversary of his death in battle. In the city of Philadelphia, as throughout the Nation, parades and other festivities are held. I am proud for this opportunity to add my voice to the many others remembering Casimir Pulaski and his contributions to our history. He is a man worthy of our praise, our thanks, and our emulation.

Thank you.●

● Mrs. JOHNSON. Mr. Speaker, I am proud to join my colleagues today as we commemorate one of our earliest heroes, Gen. Casimir Pulaski.

Born in Warka, Poland, in about 1748, Pulaski was the eldest son of a count. Left penniless after the Russian domination of Poland in 1772, Pulaski left his beloved homeland, first for Turkey, then on to Paris. It was there that he met American patriots such as Ben Franklin and Silas Deane. Convinced by them that his military experience would benefit the Revolution, Pulaski came to America in 1777. First volunteering with George Washington, he then commanded his own troop of cavalry, and died in 1779, while leading a heroic charge during the siege of Savannah.

Gen. Casimir Pulaski was born a Polish count, but he died an American patriot. Unable to free the land he loved, he chose to continue the battle for freedom nonetheless, for a country that became the symbol of freedom and liberty for people throughout the world. As the people of Poland pursue their struggle for freedom, let us remember that our tradition of sacrifice and struggle for that same goal was shaped in part by people like Casimir Pulaski. The bonds of liberty hold people more closely that those of tyranny. In those bonds, we stand by the people of Poland in their present struggle, as we share in the international search for individual freedom and justice.●

● Mr. DWYER of New Jersey. Mr. Speaker, we join today to honor one of the great heroes of our War of Independence, Count Casimir Pulaski.

Our country owes a great deal to individuals like General Pulaski, who, inspired by the ideals of our fight for freedom, came to these shores to assist us in our valiant struggle.

General Pulaski fought many years to protect the independence of his Polish homeland and brought much-needed military skills to the American forces.

Pulaski served admirably on several colonial fronts, including in my home State of New Jersey where one of our major highways is named in his honor.

He not only commanded units of the American Army, but also used his vast experience with the Polish cavalry to raise an independent cavalry corps here, and later became known as the "Father of the American Cavalry."

Two years after coming to this country, Pulaski and his cavalry led a gallant but unsuccessful attack against the British at Savannah, Ga. This heroic action cost him his life, but Pulaski's memory lives on through local Pulaski Day observances and many other standing memorials.

It is right that we remember the heroes of that war, heroes like Casimir Pulaski who shared our dream of independence and helped our forefathers to realize it. We shall always be in their debt.●

● Mr. BOUCHER. Mr. Speaker, next Tuesday, October 11, is the anniversary of the death of one of America's lesser known Revolutionary War heroes, Count Casimir Pulaski. He was one of a select corps of foreigners who fought and died for the ideals of the American Revolution.

Casimir Pulaski was a Polish aristocrat who had long fought against the powers of tyranny and oppression in his homeland. Notwithstanding suffering defeat in his own country, he was determined to carry on the fight for liberty. He came to the American

Colonies in 1777 to renew his struggle which ended when he gave his life for another country and a cause, an ideal—freedom.

After meeting with Benjamin Franklin in Paris, Count Pulaski arrived in America, commended to the Continental Congress by Gen. George Washington. Congress, sorely in need of military men of the Count's experience and caliber, entrusted him with the command of the newly formed cavalry. He later fought courageously in New Jersey, Delaware, South Carolina, and finally Georgia.

It was at the siege of Savannah, on October 11, 1779, while leading his cavalry against the enemy, that Count Pulaski was struck by grapeshot and mortally wounded. Thus ended the career of a great soldier and a champion of liberty.

To honor a patriot whose cause was not confined by national boundaries, the Commonwealth of Virginia formed a county in 1839, from parts of Wythe and Montgomery Counties in southwest Virginia, and named it after Count Pulaski. I am proud to represent Pulaski County in this body.

Mr. Speaker, I think all Americans should be thankful to those who came from afar to join the struggle for freedom. This struggle is a universal one, as the recent events in Count Pulaski's native land have demonstrated.●

● Mr. RANGEL. Mr. Speaker, I rise to participate in my distinguished colleague, Mr. BORSKI's special order to honor Casimir Pulaski, the "Father of the American Cavalry."

Casimir Pulaski was a man who fervently believed in liberty. He lived during a time of high ideals and strong passions for freedom. His struggle in the cause for liberty was an international one, and he traveled or fought in revolutionary France, Poland, and America.

When he finally arrived in America in 1777, he immediately organized and commanded a joint cavalry/light infantry unit known as the Pulaski Legion. Two years and many critical battles later, Casimir Pulaski was killed as he led his Legion in a gallant assault against enemy lines during the Battle for Savannah on October 9, 1779.

His memory and legacy lives on in his native Poland, and here in the Republic which he died for. He deserves to be honored this day.●

● Mrs. HOLT. Mr. Speaker, the long history of the oppression of Poland by powerful neighbors has produced outstanding patriots committed to the cause of freedom, and I am very pleased today to participate in this special order of business to salute the memory of Count Casimir Pulaski.

He has a prominent and honorable place in American history because of his important role in the American Revolution for independence. He was a courageous cavalry commander, and he died of wounds sustained in combat against British forces.

We know of Count Pulaski because of his place in our history, but it is often forgotten that he was a rebel for freedom in his native Poland before he came to America. It was a time when the independence of Poland was being crushed by Russia and Prussia, and Pulaski joined his father and brothers in leading a revolt that failed. He made his way to France and then to America.

It is sad that 204 years after his death, Poland suffers under a military dictatorship that serves the imperial interests of Russia, but Count Pulaski would be very proud that Polish patriotism remains strong and the people of Poland continue their valiant resistance against Russian imperialism.

As we remember that Count Pulaski sacrificed his life in the struggle for our freedom, let us do all that we can to keep alive the hope for the freedom of Poland.●

GENERAL LEAVE

Mr. BORSKI. 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.

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

There was no objection.

SOVIET JEWRY: AN ASSESSMENT AFTER KAL 007

The SPEAKER pro tempore (Mr. WILLIAMS of Montana). Under a previous order of the House, the gentleman from Michigan (Mr. LEVIN) is recognized for 30 minutes.

Mr. LEVIN of Michigan. Mr. Speaker, I rise today on a special order relating to the plight of Soviet Jewry, an assessment after the destruction of the Korean airliner.

Mr. Speaker, I want to thank my colleague from Pennsylvania (Mr. COUGHLIN) for joining in setting aside time today for the House to assess the issue of Soviet Jewry in light of the recent destruction of the Korean airliner and the resulting death of 269 innocent civilians. This tragic incident has prompted a period of reassessment and redefinition of United States-Soviet relations.

It is clear that United States-Soviet relationships have soured due to the Soviet's irresponsible reprehensible action over Sahklin Island. Countries around the world have followed the U.S. lead in condemning the Soviet shooting and normal commercial activities between the Soviet Union and other countries have been disrupted.

Mr. Speaker, let no one misunderstand—this situation has been caused by the Soviet Government through its callous destruction of 269 lives and through its inexcusable excuses for its action. The Soviet Government has tried typical propanganda technique—hide the truth from one's own people and tell the big lie to the rest of the world. The Soviets have even tried to blame this tragic incident on our country. This coverup tactic has failed miserably—around the world.

In the same way, the Soviets have tried for years to coverup another tragic situation—their refusal to allow free immigration. For years, countries around the world have condemned their inhumane refusal to allow their own citizens exit visas—particularly their Jewish citizens. And, sadly enough, Mr. Speaker, for too many years the Soviets have made shameless excuses for this lack of regard for the human rights of its own people. We want today the Soviet Government to know that this coverup tactic continues to fail, even as they begin an even more vitriolic anti-Semitic propaganda campaign. In fact, I believe the incident with KAL 007 only reinforces the world's disbelief in the Soviet claim that there is no immigration problem because they have supposedly granted visas to everyone who wants to emigrate.

One consequence of worsening relations is that tens of thousands of Soviet Jews and other minorities who are trapped in the Soviet Union may now have less hope for their freedom in the immediate future.

Though I am less optimistic today than before August 31, we must remain hopeful. In this spirit, I hope that our special order today will send word to both the Soviet Government and the refuseniks that we in Congress have not forgotten them. I am reminded of several Soviet Jews who have been refused exit visas; I recently met with their relatives and I want them to know that they are not forgotten. They include Mr. Alex Khannuk; Alexander, Ludmilla, and Elana Prutkov Veniamin Nigin and Anna Levina; Galina and Yuri Pikovskiy Tatyana Brendis; Rita and Igor Vdovkin and their son Albert and finally, Abe Stollar, an American citizen.

To them, I say, we have not forgotten you and we will not forget until you and your fellow refuseniks are allowed to emigrate.

To my colleagues here, I remind you of a quote from a speech of John Kennedy in 1961:

> All our early Revolutionary leaders, I think, echoed the words of Thomas Jefferson that "the disease of liberty is catching." And some of you may remember the exchange between Benjamin Franklin and Thomas Paine. Benjamin Franklin said, "Where freedom lives, there is my home." And Thomas Paine said, "Where freedom is not, there is my home." I think all of us who believe in freedom feel a sense of com-

munity with all those who are free, but I think we also feel an even stronger sense of community with those who are not free, but who someday will be free.

GENERAL LEAVE

Mr. LEVIN of Michigan. 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.

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

There was no objection.

Mr. LEVIN of Michigan. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Speaker, I want to commend my distinguished colleague from Michigan (Mr. LEVIN) for taking this special order.

Mr. Speaker, the callous destruction of the Korean Air Lines passenger plane has prompted a period of reassessment in United States-Soviet relations. In light of this changing climate, my distinguished colleague from Michigan (Mr. LEVIN) and I are particularly concerned that Soviet Jewry, to which Congress has always had a strong commitment, remain a high priority in American policy toward the Soviet Union.

While the destruction of a defenseless civilian airliner has not had a direct impact on the issue of Soviet Jewry, it does reveal a number of terrible truths about the Soviet Government and its system. Perhaps the most terrible truth is that the Soviet leaders do not share, nor do they care for, the basic human values that distinguish our own society. In recent years, this has been no more clearly illustrated than by the Soviet Government's treatment of its Jewish citizens, particularly those who have expressed a desire to emigrate. The refuseniks have become outcasts in Soviet society. They are trapped by a system that does not want them; nor is it willing to let them leave. And the situation continues to deteriorate. The number of Jews permitted to emigrate continues its sharp decline from previous years and there is little hope that the situation will improve in the near future. Moreover, the recently formed Soviet Anti-Zionist Committee has already begun to compare emigration with treason.

Mr. Speaker, my colleague and I have called for this special order today for two reasons. First, to continue to focus attention on the plight of those Jews wishing to emigrate from the Soviet Union and, second, to provide Members of this body with a forum to put forth and discuss practical initiatives that might be taken by the United States to help alleviate this tragic situtation.

Unquestionably, we have been most effective in focusing public attention—both here in the United States and abroad—on the problems of Soviet Jewish emigration. By doing so, we have let the Soviet Government know that Jewish emigration, and human rights in general, remain high priorities for the United States. Equally as important, we let the refuseniks know that they are not alone in their struggle, that they are not forgotten. For these reasons, it is crucial that we continue to focus national and world attention on this issue, whether it be at the grassroots level, in Congress, or through international channels such as the Madrid Conference on Security and Cooperation in Europe.

Public opinion, however, while it can make a difference in specific cases, is not enough. If we are to bring about a significant change in the Soviet Government's official attitude toward its Jewish citizens, we must do more.

So the question remains, what practical initiative can be taken to encourage the Soviets to permit freer emigration, remove restrictions on religious and cultural practices and cease harassment of individuals who have requested permission to emigrate? Clearly, there are no easy or simple answers. In fact, it seems just the opposite. For those of us who for years have been deeply involved in this cause, the question of leverage in United States-Soviet relations has more often led to a great sense of frustration than to answers. We know that more must be done. What we do not know is how or what. Even among the Jewish refusenik community there is no clear consensus.

Yet, there are means available to us. By linking Soviet Jewry to other important United States-Soviet policy considerations, we can impress on the Soviets that the United States will not sit idly by in the face of blatant human rights violations.

Unfortunately, many of the most critical bilateral issues—such as nuclear arms reductions—are by their own right enormously complex and difficult to negotiate. Yet, there are other areas where it may be possible to influence the Soviets. Perhaps some of the areas in which the Soviets are most vulnerable are in the fields of science and technology. A number of refuseniks have asserted that Soviet leaders fear being cut off from the world scientific community and have suggested that by linking science and technology agreements and transfers to improvement in human rights conditions, we can, in fact, exert a great deal of pressure. Other areas which might be explored include cultural and educational exchanges. While these may not represent major foreign policy considerations for the Soviets, they are nevertheless important to them and may be an effective means of influencing that Government.

Whatever course we follow must demonstrate clearly to the Soviets that we are serious in our commitment and our determination. The lives of thousands upon thousands of Soviet Jews depend on our efforts.

□ 1730

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

Mr. LEVIN of Michigan. I yield to my distinguished colleague, the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding, and I want to commend the gentleman from Michigan (Mr. LEVIN) and the gentleman from Pennsylvania (Mr. COUGHLIN) for arranging this special order this evening so that we may focus more specifically on the relationship between the destruction of KAL flight 007 recently, and the continued harassment and discrimination of Soviet Jewry by the Soviet Union.

There are several links that can be made. The most glaring, of course, is the blatant disregard the Soviet authorities have for human life and human dignity. Not only do they subject their own citizens to capricious arrest and imprisonment, hoping they will disappear from the eyes of the West into the infamous "gulag," but they exploit an innocent civilian airliner, shoot it down because it strayed into Soviet airspace, and cause it to disappear from air traffic control radar screens. The men and women whom the Soviet Union cause to "disappear" only increase our resolve here in the United States to insure that communication lines remain open, so that none of these innocent victims can be forgotten.

Mr. Speaker, today our House Post Office and Civil Service Committee conducted a hearing which was the culmination of our year-long investigation into the Soviets nondelivery of American mail. We received countless documents and heard supporting testimony that the Soviet Union would like nothing better than for Americans to forget that the Soviet Union violates international law time and again, and that it blithely ignores the conventions accepted by all civilized nations. The ongoing issue of the restrictions on emigration of Soviet Jewry continues to be a priority for the Congress, the State Department, and for our negotiators at the United Nations. The long-term effect of the shooting down of flight 007 on American-Soviet relations is not yet clear; the short-term effect is. It is important that we in this body continue to voice our indignation to the Soviet authorities at every opportunity. Let us not allow the issue of Soviet Jewry to be forgotten. In the wake of the flight 007 mas-

sacre, we must show the refuseniks and prisoners of conscience that we are still with them. The Soviet Union must know that it is up to them to improve relations with the United States by markedly increasing Jewish emigration from the U.S.S.R., desisting from the harassment of those individuals desirous of practicing their religion openly, and honestly admitting their complicity in the downing of a passenger plane. If we forget to press them on these matters, the rest of the world will forget as well. Since Scripture reminds us that we are indeed our brother's keeper, it is incumbent upon this body to keep the plight of Soviet Jewry in the forefront of our actions.

Mr. LEVIN of Michigan. Mr. Speaker, I yield to the distinguished gentleman from Texas (Mr. ANDREWS).

Mr. ANDREWS of Texas. I thank the gentleman for yielding.

Mr. Speaker, let me begin by expressing my appreciation to my distinguished colleagues, Mr. LEVIN and Mr. COUGHLIN, for calling this special order. It is important that we examine the status of Soviet Jewry and Soviet oppression of human rights in the wake of the downing of the Korean Air Line 007. It is important that we do not forget how the Soviet Government is treating its own citizens, even while our attention is focused on the tragic destruction of the civilian airliner barely 1 month ago.

Since the death of Brezhnev, and the rise to power of the former head of the KGB, Yuriy Andropov, life for Soviet Jews has gotten consistently worse. Today, the oppression of Jews in the Soviet Union is worse than it has been since the days of czarist Russia.

The right of Soviet Jews to emigrate to Israel and elsewhere in the West is guaranteed by the Helsinki accords. It is also guaranteed by Soviet law, which permits emigration for the purpose of family reunification or repatriation to one's homeland. The past couple of years have seen dramatic reductions in the number of Jews permitted to leave the Soviet Union. In 1982, only 2,688 Jews were allowed to emigrate. That figure, for all of 1982, is less than the amount which left in 1 month in 1979, the peak year for emigration. This year, the statistics are even worse. As of October 1, only 1,070 Jews had been permitted to leave. In some months this year the figure has been less than 100, and it is estimated that the total for the year will be less than 2,000.

Yuriy Andropov has closed the gates of freedom, and left behind are an estimated 300,000 to 400,000 Jews who still seek to emigrate. This figure includes those who have applied to emigrate but have been refused, those who have applied and have not received a reply from the Soviet authorities, and those who have the necessary letters of invitation from relatives in Israel, but have not yet started the application process. One such family, which has applied to emigrate but has been refused, and whose case I have adopted, is the Raiz family of Vilna, Lithuanian SSR. Vladimir and Carmella Raiz first applied to emigrate to Israel in 1972. Vladimir has a sister in Israel, so the request was legal under the provision which permits emigration for purposes of family reunification. Vladimir, a molecular biologist, worked at the Institute of Molecular Biology in Vilna. Carmella is a concert violinist. In March 1973, the Raiz family was refused the right to emigrate for security reasons, supposedly related to Vladimir's work at the lab. However, according to the director of the lab, Vladimir never had a security clearance, and therefore did not work on matters related to national security. When his emigration request was denied, Vladimir was fired from his job, and has had little succcess in finding new work. Vladimir and Carmella have been slandered in the local press, harassed by the KGB, and arrested for making a phone call to Israel.

What makes the current crisis for Soviet Jews so alarming is that the Soviets have gone a step further than they have in the past, and have begun a systematic and comprehensive campaign of government-sponsored anti-Semitism. Evidence of this campaign has been quite visible in the form of the recent publication of a book titled "The Class Essence of Zionism," a book filled with slanderous accusations that the Jews themselves were responsible for the persecutions and pogroms they suffered under in czarist Russia. The campaign is also quite repulsively visible in the creation of the notorious Soviet anti-Zionism Committee which we have all heard so much about.

Today, however, I want to talk about two elements in the campaign that have not been well publicized. The first is the discrimination against college-age Soviet Jews. This group has suffered from unique forms of discrimination which may forever alter their lives. To begin with, there are quotas restricting the number of Jews permitted to attend universities. These quotas are applied not only to those whose nationality is listed as Jewish. The Soviet authorities are now applying the quota to those who have one parent who is Jewish, and in some cases are even looking at the nationality of the grandparents when applying the quota. Thus, the discrimination affects even those whose nationality is not Jewish, but whose heritage might be partially Jewish.

In recent years, the Soviets have slashed the quotas, especially at the better universities, and have all but eliminated the possibility that a Jewish student might be allowed to study in one of the more important disciplines, such as math, physics, and other sciences. Thus, oftentimes, Jewish students must attend trade schools or institutions of lesser quality and reputation if they can get a higher education at all. In addition to the quotas, the Soviets attempt to reduce the number of Jewish students by making it harder for them to qualify, subjecting them to discriminatory entrance examinations and unusually difficult oral exams that can last up to 5 hours, as opposed to the usual 1- to 2-hour oral exams given to non-Jewish applicants. The result has been a reduction in the number of Jewish students in Soviet institutions of higher learning from 112,000 in 1969 to fewer than 55,000 in 1981.

The second example I want to tell you about has horrifying implications. It is a new game that is being played in some elementary schools in the Soviet Union called the concentration camp game. Reports about this game first appeared last March. A delegation of the American Jewish Committee traveled to Russia to meet with resfusenik families. Some of the families they met in Moscow and in Leningrad told the delegation of a new game that their children were being subjected to in school. The concentration camp game is played by assigning a Jewish child a number, and referring to him only by that number for days on end, as if it was tatooed into his or her forearm. At no time while the game is being played is the child referred to by their real name. The game, although not organized by the authorities, seems to have their tacit approval. According to the report of the AJC delegation, teachers in classrooms where the game is being played make no attempt to stop it, and usually look the other way, pretending that it is not happening. The game is, I believe, a symbol of just how deeply imbedded anti-Semitism is in Soviet society. It is indeed an ominous development that the state-endorsed hatred of Jews is so widespread that Soviet youth, the next generation, are already indoctrinated into anti-Semitic behavior.

What can we do about the worsening situation of the Soviet Jews? Well, it is in times like these, when the situation seems to many to be hopeless, that we must reaffirm our commitment to their struggle for freedom. We can appeal to the Reagan administration to put the question of Soviet Jews and their rights high on the agenda of any meeting with Soviet officials. We can continue to press the Soviet Government to loosen its grip on Jewish families who want to leave.

We in the Congress have a crucial role to play. Oftentimes it is our outrage, our letters to Andropov, that mean the difference between freedom

and prison for Soviet refuseniks. We must continue to write letters of encouragement to refusenik families, for oftentimes it is our letters that keep these families from complete despair. We must show them that the world knows and cares about their fate.

There is no instant gratification in working for the cause of Soviet Jewry. This is a struggle for the long haul. But it is because the situation is so desperate now that we must not give up. The gates to freedom have been shut, but they will not stay shut forever—unless we stop clamoring for them to open. We can reopen them by showing that we in Congress are deeply committed to this cause and that we are not about to abandon it. No matter how hard the Soviets, through their oppressive measures, try to convince us there is no hope, we can show them through our actions that hope still lives, and that the struggle has not been abandoned.

□ 1740

Mr. LEVIN of Michigan. I thank our distinguished colleague, the gentleman from Texas (Mr. ANDREWS), for his eloquent remarks.

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

Mr. LEVIN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Speaker, I want to join in commending our colleague, the gentleman from Texas. He made a number of very excellent points. One very important point, I thought, was that the denial of emigration from the Soviet Union is in violation of treaties to which they have agreed, in violation of their own laws, their own agreements, and how difficult it is to make agreements with a power that is like that. That is something that we again explore as we look at how this project ties in.

Mr. Speaker, I would just like to commend the gentleman's very, very eloquent statement that, indeed, does go to the heart of what is a tremendous problem in this world, that kind of lack of freedom, the problem for the Jews and others in the Soviet Union who want to leave that country and are not permitted to by a government which some say if they let some leave, they would have to let so many people leave that they would not have many people in the Soviet Union.

Others say that they will bargain their people for other things with the United States. It seems tragic that a nation should be like that, and it really only reacts to public opinion in this country, public opinion that made the Soviets see that there is a ground swell of public opinion that we can help generate; that then there may be some further reaction. That seems to have been the most effective things to date at least.

I congratulate the gentleman for his statement.

Mr. LEVIN of Michigan. I thank the gentleman. I think he has put his finger on such an important factor. What we are saying together, the gentleman from Pennsylvania and myself, is that together with so many others, we will persevere.

Mr. Speaker, I would like to thank not only my colleague from Texas (Mr. ANDREWS) who spoke so clearly and in ringing tones a few moments ago, but all of my other colleagues who are submitting statements for the RECORD.

● Mr. CONTE. Mr. Speaker, I would like to take this opportunity to commend the Union of Councils for Soviet Jews. Since its foundation in 1970, the UCSJ has played an important role in focusing the world's attention on the thousands of Soviet Jews and refuseniks suffering under the racist and discriminatory practices of the Soviet regime. The Soviet Union should never underestimate the importance this country attaches to the plight of these persecuted individuals. Its leaders must also be reminded that, as signatories of the Helsinki Act of 1975, they have committed themselves to a greater respect for the rights of this small, but courageous minority.

Although I am deeply concerned with the fate of all Jews in the Soviet Union, I have taken a special interest in the case of Lev Elbert. As you may know, Mr. Elbert is currently being held in a Soviet prison on trumped-up charges of drug possession. In light of the Korean Air Line massacre, I believe that the release of Mr. Elbert could be an important first indication that the Soviet Union is seeking to improve its relations with the United States. Accordingly, I have requested the cooperation of a number of Soviet officials in securing Mr. Elbert's release and in allowing the Elbert family to emigrate. More recently, I have written a letter to the commandant of the camp in which Mr. Elbert is being held. I have provided a copy of that letter for inclusion in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 5, 1983.

Camp Commandant Colonel RYBMITSKY,
Ispravitelnutudovoy, Poseoluk Trudovoy, Vinnitskaya Oblast-Peschansky Rayon, Ukrainian S.S.R., U.S.S.R.

DEAR COLONEL RYBMITSKY: I am writing to you on behalf of Lev Elbert, his wife Inna and his six-year-old son, Karmi.

For over seven years, Mr. Elbert and his family have been attempting to emigrate to Israel. Yet, because Mr. Elbert had once been privy to classified information while serving in the army, his applications for an exit visa have repeatedly been denied.

Last May Mr. Elbert was called upon to begin service in the military reserve. Mr. Elbert agreed to perform his service; yet he requested that he not be exposed to any classified information. Such exposure, he felt, would further obstruct his attempts to emigrate. Shortly thereafter, Mr. Elbert was arrested, charged with "draft evasion" and sentenced to a year in prison.

According to official sources, Mr. Elbert now faces an additional charge—drug possession. Prison authorities claim to have found 25 grams of hashish on his person. Although Mr. Elbert has recently ended a five-day hunger strike, he still faces another three years in prison.

Colonel Rybmitsky, the fate of Mr. Elbert and his family is of vital concern not only to me, but to a great many other Americans as well. I would therefore like to urge your cooperation: first, in securing Mr. Elbert's release from prison; and secondly, in allowing the Elbert family to emigrate.

I look forward to hearing from you on this important matter. With best wishes, I am

Cordially yours,

SILVIO O. CONTE,
Member of Congress.●

● Mr. MRAZEK. Mr. Speaker, with the exception of the Soviets and their client states, the outcry has been universal against the outrageous shooting down of the Korean jetliner carrying 269 innocent passengers. If the Soviets anticipated a different response, they were sadly mistaken. Their actions were inexcusable and reprehensible, and the world has registered these protests in no uncertain terms.

The destruction of flight 007 has prompted many observers to reassess the objectives and direction of Soviet-American relations. Some observers have called for the prompt imposition of strong sanctions against the Soviet Union, including cancellation of a new grain agreement; curtailment of diplomatic relations; adjournment of arms control talks; and elimination of all cultural and education exchange programs.

Yet, there is little reason to believe that such a perspective is likely to result in any positive changes for the 500,000 Jews in the Soviet Union who have expressed a desire to emigrate to the West. Since the invasion of Afghanistan and the imposition of martial law in Poland, relations with the Soviet Union have undergone a steady decline. At the same time, emigration figures for Soviet Jews have dropped by more than 95 percent.

The downing of the KAL passenger plane came at a time when there was growing evidence of a gradual improvement in Soviet-American relations. The conclusion of the Conference on Security and Cooperation meeting in Madrid and the granting of emigration visas to the Pentacostalists who were harbored in the U.S. Embassy for years were but two recent signs of an improvement in relations. They were also a small indication that such a trend can be tied to tangible progress in the area of human rights.

Ultimately, few options are available to us for influencing the course of official Soviet policy toward 3 million Soviet Jews. Rather than casting aside the limited altenatives that we have

pursued in the past, we must refocus our efforts in bringing this critically important issue to the forefront of Soviet-American relations. I am convinced that we must make the issue of Soviet Jewry a primary concern in all future negotiations for the sale of grain to the Soviet Union. Members of this body must renew their commitment to travel to the Soviet Union and meet with officials on this issue, instead of curtailing or canceling such plans. The administration might also reconsider its recent decision to cancel the scheduled reopening of a new consulate in Kiev.

We should also examine closely the human rights provisions of the Madrid document which was concluded in early September. This important document contains a number of significant and worthwhile contributions in the area of emigration and family reunification. We must press the Soviet Union to comply with all aspects of this agreement, through both diplomatic and political channels.

The downing of flight 007 and the Soviet Union's mendacious response to this tragedy should come as no surprise to anyone familiar with the brutal history of that country. Over the years, the Soviets have massacred thousands of their own citizens and disregarded the human rights of millions more in their grand design for world dominance. Yet, we must be careful not to use this episode as a misguided excuse for abandoning the pursuit of constructive developments in our relations with the Soviet Union. Rather, we must use it as a reaffirmation of the need to continue to place the issue of Soviet Jewry high on the diplomatic agenda. To do otherwise would be a grave and potentially irreversible mistake.●

● Mr. PORTER. Mr. Speaker, the murder of 269 people on board KAL flight 007 serves to remind us of the ruthlessness of the Soviet regime. I join all of my colleagues in abhoring this vicious attack.

This cold-blooded murder is dramatic evidence of Soviet brutality. Yet there is an ongoing reminder of Soviet cruelty, one that occurs every day—the plight of Soviet Jewry. To be Jewish in the Soviet Union is to be hated, ridiculed, tortured. Jews who practice their religion or teach Hebrew and other Jewish studies are either imprisoned or internally exiled. Refuseniks, those Jews who apply for visas to the West, lose employment and are constantly harassed by KGB agents. Few are ever allowed to leave the Soviet Union.

These major human rights violations against Soviet Jewry are a crime against humanity. They violate many of the accords that the Soviet Union has signed, including the Helsinki accords and the United Nations Declaration of Human Rights. The Soviets have recently increased the attack on the Jewish community by forming the infamous Anti-Zionist Council and by slowing Jewish emigration to a trickle.

Recently, I received a letter from a constituent concerned over the Korean airliner murder and over the treatment of Soviet Jewry. He suggested that as partial restitution to mankind for the KAL murders that the Soviet Union pay the West with increased emigration of Soviet Jewry. This idea may strike some as bizarre. Indeed, it is absurd that we should feel compelled to beg them to grant their own people basic human rights, but it is precisely such a brutal system with which we must contend.

I would like to submit for the RECORD the letter I received from Scott Kane and urge all of my colleagues to continue to call attention to the abuses of human rights of Jews, and, indeed of all people, in the U.S.S.R.

DEERFIELD, ILL.,
September 9, 1983.

Hon. JOHN PORTER,
House of Representatives,
Washington, D.C.

DEAR MR. PORTER: Some people say we should cut off their wheat supply; others say that Aeroflot should be prevented from landing anywhere in the world; while others demand monetary restitution to the families of the victims. All of these could be the civilized world's punishment of the Russians for their cold-blooded destruction of Korean Air Lines Flight 007.

But cutting off their wheat could hurt our farmers more than the Russian economy. The Soviets have proven in the past that they can go without our wheat . . . they'll just let their people starve a little bit more than they do now. Keeping their airline from using other international airports could only be a temporary measure, at best. And, having the Soviets make monetary restitution to the families of Flight 007 would have little effect on the treasury of the USSR.

OK, if these sanctions would have little or no effect on the Soviet Union, then what can we as members of a free society do to enact an effective punishment? Could we not devise a punishment that would provide retribution and at the same time further the cause of democracy? We need to attack, not at their military defenses, but at the core of their Communist principles; to expose their perfect society as the fraud that it really is.

Let the Soviets pay for the 269 lives with the lives of Soviet Citizens. Not in the manner of an "eye for an eye," but more in the form of a "contribution" to the free world. Where would these people come from? There are more than 200,000 registered Soviet Jews, or Refuseniks, now living in the Soviet Union who want out. These are the people who have formally requested exit visas from Russia, and who have been denied emigration. When they request visas, these people are fired from their jobs, ridiculed, and classified as non-citizens in the eyes of the Soviet Government. They, and their children, are constantly watched, harassed, and persecuted by the KGB.

Would it not be an appropriate punishment if the Soviet Union was forced to release 1,000 Refuseniks for every life lost on Flight 007? Imagine, over 200,000 people would be set free. This would certainly assure the free world that the 269 victims had not died in vain. Would this not demonstrate to the world that there are people living within the confines of the USSR that desire to prove that living the life as a Soviet Citizen is not as utopian as their leaders say it is.

The United States Government knows who these Refuseniks are, and it should do everything in its power to see that those who want to leave the USSR should be afforded the opportunity to do so.

Very truly yours,

SCOTT H. KANE.●

● Mr. ROE. Mr. Speaker, the downing of Korean Air Lines flight 007 by the Soviet Union was an act of blatant murder that has outraged freedom-loving people the world over.

The legacy that tragic incident left us in clear. We must not be lulled into any sense of false security in our Nation's dealing with Russia. There is now a strong feeling of suspicion among Americans in anything that has to do with the Soviet Union, be it political oriented, sports based, or even on the level of purchasing of Russian products.

Indeed, the shooting down of that Korean airliner has clearly redefined how our Nation will deal with the Soviet Union in the future.

Mr. Speaker, the brutality of the Soviet system has never been a secret to those of us who know the plight and suffering of the Soviet Jewish population. The brutal treatment of its Jewish citizens over the decades is a moral outrage to all humankind.

Despite the Soviets' signing of so-called human rights documents with varied Western nations, the vise around the neck of Soviet Jewry is tightening. Soviet Jewish emigration is at an alltime low, with only 2,688 Jews allowed to leave that nation in 1982 compared with over 51,000 in 1979. This year's emigration figures are indeed dismal. So far, the 1983 emigration totals are only half those of 1982.

What we are witnessing is the most blatant attempt to restrict the movement and religious and cultural activists of Jewish people since the era of Nazi Germany. We can only assume that it is the deliberate Soviet policy to break the will and spirit of Soviet Jewry.

More Jewish activities have been arrested, tried, and convicted over the past year than during the previous several years. The more well known names of those brave individuals like Anatoly Shcharansky, Ida Nudel, Iosif Begun, Alexei Murzhenko, Yuri Federov, and Victor Brailovsky, have become symbols of freedom to us all. And there are hundreds, perhaps thousands of other Jewish dissidents who are rotting in Soviet prisons and detention camps simply because of their desire to leave Russia and to practice their faith.

Mr. Speaker, the shooting down of that ill-fated Korean airliner has drawn worldwide attention to the Soviet Union and the policies of its leadership. Despite denials of guilt in the airline downing, the Russians know they have become vulnerable targets for criticism in all areas of Soviet life. Indeed, the time has never been better to raise the issue of the treatment of Soviet Jews and the denial of their right of free access to leave that nation.

Even prior to the Korean airliner incident, the Soviets have been undergoing the most severe economic and political turmoil since the Communist Revolution of 1917. The invasion of Afghanistan has backfired in their faces and the same can be said for the Soviet's disasterous attempts to block expressions of personal freedom in Poland.

Mr. Speaker, if the United States does not take a strong stand in support of Soviet Jewish rights at this critical time, Andropov and his leadership group in the Kremlin will take it as a sign of indifference on the part of our Nation. We must not allow that to happen.●

● Mr. HUGHES. Mr. Speaker, the wanton destruction of an unarmed Korean passenger jet by the Soviet Union stunned civilized people around the world. Our Nation is still in shock over the brutal destruction of the airliner by the Soviets, which took the lives of 269 innocent people.

In addition to the 269 who died, however, and their bereaved families and friends, there is another victim of this disaster; that victim is hope. For Jews in the Soviet Union, the situation in the wake of KAL flight 007 may seem hopeless.

We know that situation has never been graver. The rate of Soviet Jewish emigration has declined precipitously over the past several years, from a monthly average of approximately 4,000 in 1979 to less than 100 today. The government's harassment of Jews seeking to leave the Soviet Union has increased markedly in recent months; religious expression is punished severely. The number of arrests of Jewish citizens is soaring. Mail sent to Soviet Jews is being confiscated. Most discouraging is the formation of an official Anti-Zionist Committee, a government project designed to spread vicious propaganda linking Zionism to Hitler and Nazism.

The entire Jewish community in the Soviet Union is systematically being cut off from the rest of the world. In dealing with its own citizens, it has become the policy of the Soviet Government to eradicate distinction, and any individual freedoms. It has become the policy of the Soviet Government to eradicate even hope.

The devastating mistreatment of Soviet Jewry by the Government of the U.S.S.R. stands only to worsen in the wake of the destruction of KAL flight 007, and the reaction of nations around the world. Unless, that is, we in the free world renew and reinforce our commitment to strive for human rights. We must not give way in our demands for justice and fair treatment by the Soviet Government of its citizens. Our vigilance and constancy in this cause may be the difference between life and death for a crucial element—that element is hope.●

● Mr. BERMAN. Mr. Speaker, I commend my colleagues, Mr. LEVIN and Mr. COUGHLIN, for making it possible for the many concerned Members of this body to join together at this time to discuss the U.S. relations with the Soviet Union in the aftermath of the downing of the Korean passenger plane, with special regard to the plight of Soviet Jewry.

The task now before us is to take all steps necessary to assure that such an incident will never happen again. We need to carefully examine the various possible measures that have been put forward, ranging from better warning systems for planes approaching Soviet air space to additional sanctions should they be needed to secure Soviet cooperation in protecting international commercial travel.

The tragic loss of life in this incident raises many questions about our relationship with the Soviet Union. The cruel and calculated destruction of KAL 007 outside of their country leads me to wonder how we can continue to remain complacent about the Soviet's treatment of people within their borders.

Jews in particular are suffering mounting repression at the hands of the Soviet Government and the KGB. Anatoly Shcharansky and Iosef Begun remain in prison, guilty only of being Jewish in a country which considers Judaism a crime. Others who speak out against the harsh Soviet emigration policies, participate in Jewish cultural activities, or simply attempt to teach Judaism are subject to arrest and are constantly harassed by the KGB. No one can say for certain how many more of the country's 3 million remaining Jews are awaiting the opportunity to emigrate with the Kremlin's 95 percent decline in permitted departures.

Mr. Speaker, none of this should be news to any of us. Not only have my colleagues and I spoken out on the plight of Soviet Jews before, but Members of Congress and of the American Jewish community have been doing so for many years. In spite of all of our efforts, and in spite of the remarkable fact that thousands of Jews have been allowed to leave the Soviet Union over the last decade, the Soviet's concerted effort to suppress Judaism, which has continued since shortly after their 1917 revolution, is as strong as ever today. Earlier this year the formation of the Anti-Zionist Committee of the Soviet Public was announced. It is clear that we have much work still to do in order to assist Soviet Jewry.

What can we do to protect Soviet Jews from harassment and arrest? How can we make it possible for them to emigrate in greater numbers? I think that the most effective means of coming to their aid lies in the organizational strength of the American Jewish community. There are two things we must concentrate on: Education and action.

Education is the factor which will make action possible. People in this country still do not know enough about the atrocities that the Soviet Union has committed against Jews, and Americans are not all aware of the numbers of Soviet Jews who are subjected to this as part of their daily struggle. The Soviet Union still has approximately 20 percent of the world's Jewish population. We must work to educate Jews, as well as concerned citizens of all religions. Without sheer numbers of people to express their outrage at the abhorrent Soviet policies, the Kremlin can easily shrug off the complaints of a relative few. One thing the Soviets understand is pressure, for it is one of the tactics they use best. Pressure is what we must put them under in order to free Soviet Jewry from the government's repressive grasp.

Action is to be our means of applying pressure. Americans must be encouraged to write to Soviet dissidents to express support and solidarity, and to write to Moscow to express their outrage at the Soviet's denial of human rights to Jews. As Members of Congress we must consider our economic and technological relationship with the Soviet Union as potential tools to achieve freedom for Soviet Jews, while working toward serious negotiations with the Soviet Union for arms control. We must be willing to take the initiative and to recognize the potential benefits to be gained, not only for ourselves, but for the Soviets and the rest of the world, by advocating and negotiating for a nuclear freeze. Only once the Soviets see that we have the will and the strength to negotiate seriously, without see-sawing back and forth on our policies, will they be willing to join us in pursuit of human rights and peace.●

● Mr. ACKERMAN. Mr. Speaker, in the discussions that have ensued as a result of the Korean airliner incident, there has been precious little dialog about the impact of this event on the Soviet Jewry movement. Unfortunately, American policymakers have discussed nearly every aspect of this issue while neglecting to include one vital aspect of American policy: our commitment to Soviet Jewish emigration

and human rights. It is to the benefit of the Congress, and all Americans, that the Union of Councils for Soviet Jews has organized this special order. In the wake of the most recent vicious human rights violation perpetrated by the Soviets, we must not ignore this important aspect of United States-Soviet relations.

Although there is little of positive value that one can say about this incident, and the current status of Soviet-American relations, we must endeavor to see what possible actions can be pursued that will help to break the stalemate in Soviet-Jewish emigration. Mr. Speaker, the United States must continue to press the Soviets on this issue, in effect making Soviet Jewish emigration a test of Soviet intentions in their relationship with the United States. It is clear that the Soviets' blatant disregard for human rights is shaken by very little short of direct pressure which forces them to recognize the rights which are conferred upon all individuals under the Universal Declaration of Human Rights and the Helsinki accords. Although the Soviets are signatories of these agreements, their actions display a wanton failure to adhere to principles which the world community considers to be the intrinsic rights of all people throughout the world. Mr. Speaker, unless we place the human rights issue at the top of our agenda with the Soviets, we will continue to witness the current low rate of Jewish emigration and a further deterioration in human rights conditions in the Soviet Union.

Mr. Speaker, this issue must remain a part of the ongoing negotiations between our countries. It is vital that the Soviet Jewry issue not be shunted aside as prisoners of conscience and Jewish refuseniks continue to languish in the Soviet Union. It is our duty, as the leading democracy in the world, to reassert our commitment to Soviet Jewish emigration.

Mr. Speaker, I call on President Reagan to heed the words of Soviet Jewry activists through the country who call on him to publicly affirm an American policy which is committed to utilizing all possible opportunities to achieve renewed progress in Soviet Jewish emigration.●

● Mrs. VUCANOVICH. Mr. Speaker, since the destruction of KAL 007 by the Soviet Union several weeks ago, United States-Soviet relations have rapidly deteriorated. Numerous measures have been introduced in this Congress to place severe restrictions on the Soviet Union for this senseless attack, and I support several of these bills. However, I am very concerned that United States reactions to this incident will further threaten the number of Soviet Jews allowed to emigrate.

Soviet Jewry must remain a top priority in American policy toward the Soviet Union. The United States must continue to discuss the issue of Soviet Jewry at international forums and work to secure freedom for Soviet Jews in our bilateral security negotiations with the Soviet Union. We, the Congress, must continue our efforts to secure freedom for Soviet Jews through resolutions, correspondence, and vocal support. It will be more difficult, now, to accomplish this goal due to the recent international tragedy; however, I believe through our constant efforts we can open the door for all Soviet Jews to have the opportunity to live in a free society.

As a member of the Coalition for Soviet Jewry, I have written several letters to Ambassador Dorbynin on behalf of Soviet Jews wishing to emigrate. Although these letters have never been answered, I know my efforts are not futile. We have witnessed results by reuniting families after years of being apart. This can continue, and I urge my colleagues to heighten their efforts in this cause.●

● Mr. SYNAR. Mr. Speaker, many of you have been active in efforts to assist Soviet Jewry, who collectively constitute the segment of Soviet society most deprived of their rights. On May 20 of this year I sent around a "Dear Colleague" to gain signatures for a letter to President Andropov protesting the solitary confinement of Samuel Zalmanson, a prisoner of conscience in the Soviet Union. The Oklahoma Commission for Soviet Jewry has routinely updated Samuel's brother, Israel, efforts on Samuel's behalf, including this one. Israel has been through the same situation as his brother and knows firsthand the harsh conditions in Soviet prison camps. Recently, he wrote to me, and I would like to take this opportunity to share with you some of his letter. Of particular interest to me were his comments about the illustration we used on our "Dear Colleague." In May, we felt that the artist's rendition of a POC's plight was a very grim and accurate depiction of conditions in the Soviet prison system. Apparently, this was not the case, and Israel, paints and even worse picture.

DEAR MR. SYNAR: I and my family appreciate very much your efforts to help release my twin-brother Samuel from the jail in Russia. I myself spent 8 years in prison, or more precise, in a "labor corrective institution" and know very well how it helps a prisoner morally when he has international support. The guards might hate him more, but they would be afraid to do the things to him that they do to those that don't have any backing. Besides, there is always hope that after public pressure the prisoner can be freed. . . .

By the way, the picture of the prisoner behind the bars, (on the letter you addressed to your colleagues) does not illustrate well enough the prison conditions in Russia. First, prisoners are not allowed to grow hair. Second, a prison window has so many gratings and shields that a prisoner can't see even a little bit of blue. . . .

This letter should remind us to redouble our efforts not only for Samuel Zalmanson, but all of those in the Soviet Union who suffer religious persecution. It is clear that the conditions in the Soviet gulags are barbaric. It is also clear that our efforts here are not in vain, and, that our continued pressure on the Soviet authorities can improve the plight of POC's.●

● Mr. MATSUI. Mr. Speaker, I am honored to participate in this special order today on behalf of Soviet Jewry. This is an especially fitting time to remember the plight of these individuals. Little over 1 month ago, the world witnessed another example of the barbarity of the Soviet system in the shooting down of Korean Air Lines flight No. 007.

By providing clear and unmistakable evidence of the nature of the Soviet system, this action has highlighted the need in the Congress and across the Nation to continue our efforts to place before the world the sad treatment of Soviet Jews by their government.

As we are all aware, earlier this year the Soviet Government established an anti-Zionist Committee of the Soviet Public. While the full intentions of this organization are not yet clear, anti-Jewish propaganda has increased and indications are that the formation of the organization is a signal that Jewish emigration to Israel will be further reduced and that Soviet Jews will continue to be isolated from public life.

In light of these developments, it is our duty in this Nation of free men and women to continue shining the light of truth on Soviet actions. Despite the immediacy of the horror of the destruction of the Korean airliner, we must not allow the world to forget the Soviets' ongoing persecution of Soviet Jews.●

● Mr. FORSYTHE. Mr. Speaker, although the majority of the world has stridently deplored the destruction of the Korean airliner 007 and its 269 innocent passengers, the Soviet Union, far from offering the apology demanded by conscience, has adopted a stance defending its heinous act. In its refusal to admit its culpability, the Soviet Union yet again demonstrates its unwillingness to make concessions and its blatant disregard for the most basic tenets of human rights as laid out by the Helsinki accords. This behavior does not come as a surprise to those who have studied the long history of wrongs deliberately done to the Soviet Jews by their own government. In light of the inevitable tension between our country and theirs, we must loudly and publicly commit ourselves to their relief. The almost 3 million Soviet Jews have suffered greatly at the

hands of a government which actively subjects that people to numerous indignities and violations of human rights.

In recent years the condition of the Soviet Jews has worsened considerably, as injustice, hostility, and outright harassment have escalated. Practice of the religion is nearly impossible, jobs commensurate with talent or experience are rarely offered, and even education is frequently denied. This mistreatment, however, pales in comparison to the plight of the refuseniks, whose hounding and persecution are likely to continue unrelieved now that emigration of Soviet Jews has dwindled to a slow trickle. Indeed, this year's figures indicate an appalling halving of the mere 2,688 emigrees of 1982. This summer the Soviet authorities claimed that the emigration was coming to an end because all of those who wished to leave already had, but this statement is patently false. The number of Jews who still wish to emigrate is estimated to be in the hundreds of thousands.

In order to help them, now more than ever we must take care not to lose sight of this issue. Keeping the condition of the Soviet Jews in the forefront of public awareness will serve to let both the Soviet Union and its Jewish citizens know that our commitment is as strong as ever. Instead of discouraging communication between our Government and theirs, we must strive to keep the channels open so that the issue can be raised, our concerns voiced, and conditions bettered. Traditionally, high points in the emigration pattern of Soviet Jews seem to have occurred during relaxations of tension between the United States and the Soviet Union. Though an opposite state presently exists, in the best interests of the Soviet Jews we must make the most of every opportunity to discuss their position with the Soviet authorities as well as among ourselves.

The importance of this issue, and of all human rights issues, should not be allowed to fade. With continuous reiteration of our faithful commitment, the likelihood that the Soviet Union can be induced to relax its tough emigration policy and allow its Jewish citizens to lead normal lives greatly increases.●

● Mr. DWYER of New Jersey. Mr. Speaker, the tragic downing of Korean Air Lines flight 007 has brought renewed focus on the state of United States-Soviet relations.

These relations have not been good and the Soviet attack on the civilian airliner, costing 269 innocent lives, has complicated these relations even further.

The aftershock has reverberated in many areas around the world, however, all the implications of this incident still are not known.

The many Members of this body who are solidly committed to the preservation and promotion of human rights for Soviet Jews and others, are understandably concerned about the effect of the KAL tragedy on the thousands upon thousands of Soviet citizens who are already suffering greatly under Soviet oppression.

In particular, we are outraged at the Soviet emigration policy, which, prior to recent events had already deteriorated vastly.

That the Soviets have ignored their family reunification and human rights assurances of Helsinki is a well-known fact. Now, we must logically fear that the Soviet Jewish community will suffer even more under the Soviet regime which uses refuseniks as pawns in the larger international struggle in which these innocent people have so great a stake.

We must not forsake our efforts for a more humane Soviet emigration policy in the wake of the KAL tragedy. The Soviet Union can never fully redeem itself of responsibility for this tragedy. While this fact will not change, the time is certainly ripe for an expression of humanitarianism from the Soviet Government.

There are countless forums where the Soviets might begin this process, including easing the pain of Prisoners of Conscience and the suffering of the many refuseniks who experience harassment and much worse for their dream of a better life.

I join my colleagues in urging the Soviets to do so, and in so doing begin a full, compassionate and long overdue reassessment of a policy of injustice and hate, a policy which fueled the tragic downing of the Korean airliner.●

● Mr. MORRISON of Connecticut. Mr. Speaker, our anguish over the recent Korean Air Lines tragedy must not cause our attention to stray from the Soviets' long history of violation of human rights in their treatment of the Jewish treatment currently living in the Soviet Union.

In the last year, the quality of life of Soviet Jews has degenerated to a new low. Activists are being rounded up and jailed in record numbers, prayer books and other religious materials are being confiscated with enhanced vigor, Hebrew teachers face the threat of imprisonment, and cultural self-study groups have been forcibly disbanded. Worse yet, in the face of such renewed hardship, Jews are being given even less of an opportunity to emigrate than at any time in the past 10 years. Jewish emigration, once reaching a highpoint of 51,320 in 1979, has come to a virtual standstill with only 2,688 Jews permitted to leave in 1982.

As we join with other nations in placing pressure on the Soviet Union so that its leaders are made to feel the consequences of their brutal act, we should also seek relief for the plight of Soviet Jewry. The Soviets could begin to improve their standing in the eyes of those nations concerned with human rights by respecting the rights of Soviet Jews.●

● Mr. OTTINGER. Mr. Speaker, I would like to thank my colleagues Mr. LEVIN and Mr. COUGHLIN for sponsoring this special order on the very pressing needs of Soviet Jews. It is a subject about which we can never say or do too much.

Religious persecution continues to be a fact of life for thousands of Jews in the Soviet Union. Over the past several years, what had been a steady stream of Soviet emigres has dropped to a trickle. Those remaining in the U.S.S.R. and practicing their faith are subjected to slander in the press, repression in the classroom, and harrassment by their fellow countrymen. Soviet Jews with the courage to speak out on behalf of their people are silenced; many are imprisoned. For 6½ years, the much publicized case of Anatoly Shcharansky has personified the injustices suffered by Soviet Jews seeking a chance to leave and practice their faith in peace.

Protesting the unduly harsh treatment and censure of Soviet Jews has become a national commitment in the United States. The President made Soviet Jewry a major topic of concern at the Helsinki talks in Madrid; many of my colleagues and I in Congress have "adopted" individuals applying to emigrate in an attempt to bring focused pressure on the Soviet Government to allow these people to join their families in Israel and other parts of the world; and citizens and groups all over the country have decried the continued imprisonment of many Soviet Jews who had the courage to stand up for freedom. But words of protest are not enough—relief of this international disgrace should be a condition we raise in every Soviet negotiation and contract.

We must not let our commitment to these efforts flag. At a time when our political and military relationship with the Soviet Union is tense and unyielding, we should redouble our efforts to seek a show of good faith from President Andropov that the Soviet Union takes seriously its signed commitment to human rights. We should demand a retraction of the Soviet Government's support of the recently formed anti Zionist committee, a blatantly anti Semitic organization. And we must demand a reasonable accounting of the plummet in Jewish emigration from the Soviet Union. We will not accept the ridiculous claims that all those who wished to leave have gone. There are well over 3,000 people waiting for approval, according to the New York Conference on Soviet Jewry, and

our actions must not stop until those applications are accounted for.

Concentrated public pressure has had positive effects in the past, but we must not be satisfied with the release of a token few. I join my colleagues today in calling for a reversal of the tide in Soviet Jewish emigration, and a commitment from Mr. Andropov to put an end to his country's indefensible denial of religious freedom.●

● Mr. FROST. Mr. Speaker, only 3 months ago, I and a delegation of our fellow Members returned from a trip to the Soviet Union. At that time, I felt hopeful that our visit represented a small breakthrough in United States-Soviet relations and that, perhaps, the easing of tensions would soon be reflected in improved emigration statistics. Secretary Shultz' announced intention to discuss Soviet Jewry at the Madrid Conference, again, gave us reason to hope. But today, in the wake of the criminal downing of the Korean jetliner, things are dismal for those wishing to leave the Soviet Union. Although emigration numbers for September are roughly the same as August's, a discouragingly low 135 people, the deterioration of relations between our nations will be keenly felt by the refuseniks. It is my fear, Mr. Speaker, that once again these innocent people will become the victims in a dispute between our two nations, and that in this atmosphere of tense and chilly relations, they no longer have any reason to hope.

Mr. Speaker, one of our two countries must make a bold move to put negotiations back on track. The time has come for the Soviets to make a conciliatory gesture, and what better way for them to do so than to demonstrate a new regard for human rights by opening up the gates of emigration. Although the 269 human lives so senselessly lost can never be replaced, the Soviets now have an opportunity to grant a new life of freedom to thousands of refuseniks and Prisoners of Conscience. Let us hope that the Soviets will seize this opportunity for atonement and will demonstrate a desire to work toward improved relations with us and our allies. We have offered a challenge to the Soviets—a challenge to show a commitment to human life and dignity that is more than empty rhetoric. Let us hope that they will rise to our challenge.●

● Mr. PARRIS. Mr. Speaker, I take this opportunity to express my concerns about the plight of Soviet Jews. Although Mr. Andropov, the President of the Soviet Union, claims there are no more Soviet Jews who desire to leave that country, there are tens of thousands of documented cases which indicate otherwise.

In addition, Soviet Jews have complained in growing numbers that expected mail from the United States is not arriving. Letters and packages sent by Americans to Soviet Jews are being returned or are not being delivered. Soviet Jews cannot leave the U.S.S.R. without a written invitation sent through the international mail from an overseas sponsor. Such a document is the first requirement in the laborious emigration process. The delivery of mail is crucial to those Soviet Jews who seek to leave the U.S.S.R. as well as to enhance the will and the spirit of those persons.

These Soviet actions along with the callous destruction of the Korean flight 007 should encourage all of us in the United States to lend our support in any way possible. I have introduced a bill which memorializes the millions of victims of communism. By congressional actions which call attention to the plight of those victims of communism, additional focus can be directed on their current situation, with more public support and assistance being offered to those victims and their families.

I ask my colleagues to offer their support, not only for my bill but for any other means that they determine can and will be helpful in assisting the Soviet Jews and all victims of communism.●

● Mr. GREEN. Mr. Speaker, it has been more than a month since the tragic Korean Air Lines incident and we have all had time to reflect on its implications and repercussions. Today, we are addressing one specific area—"Soviet Jewry: An Assessment After KAL 007"—and I would like to thank my distinguished colleagues the gentleman from Michigan, Mr. LEVIN, and the gentleman from Pennsylvania, Mr. COUGHLIN, for sponsoring this special order and giving this critical topic the attention it deserves.

To say that the Korean Air Lines tragedy has caused the relations between the Soviet Union and the United States to deteriorate, and hence the plight of Soviet Jewry to worsen, would be to state the obvious. Our focus, rather, should be on what can we, as Congressmen, do in the wake of KAL 007. And the answer is: Exactly what we were doing before, only more.

Members who have plans to travel to the Soviet Union should do so and should make human rights a priority for discussion. Every Soviet Jewry group I have heard from and every American who has traveled to the Soviet Union bears the same message: That the refuseniks look upon Americans who speak out on their behalf as their only lifeline. They know about our remarks on their behalf in the RECORD and in speeches. They know about our resolutions and our dear colleagues. And the Soviet officials know, too, by the continued volume of mail, that we have not forgotten about the refuseniks, despite the difficult times.

In the name of human rights, we must keep up dialog with the Soviets through international forums such as the Helsinki Commission. To withdraw from such dialog would be to surrender to Andropov and those in the Soviet Union who do not wish to be accountable to international standards of human rights and morals. In an impassioned New Year's plea, Avital Shcharansky said, "The Soviet regime has not succeeded in extinguishing the spark kindled in our hearts, and that small flame has grown into a large fire * * * Support the heroic struggle of our brothers and sisters in the Soviet Union." They need our lifeline now more than ever. Thank you.●

● Mr. MOLINARI. Mr. Speaker, slightly over 1 month ago the world bore witness to what can only be described as a flagrant violation of human rights and human life. Regardless of what Soviet motivations were during the early morning hours of September 1, the unavoidable fact remains that the lives of 269 people were disregarded by the leadership of a major world power. Since that day, many conclusions have been drawn from both the attack and the behavior of the Kremlin afterward about the nature of the Soviet military and the conscience of the Soviet leadership. We now must attempt to narrow the focus of our discussion in order to concentrate on what these events will mean for various facets of U.S.-U.S.S.R. relations.

The fact that the Kremlin views human life from a different perspective than the majority of the civilized world should not come as any great shock. There is no clearer example than the ongoing persecution of Jews in the Soviet Union. The issue of Jewish emigration from the Soviet Union has become a focal point of criticism for those who value the right to choose one's home and freely join one's family. I am deeply disturbed that as of August of this year, only 934 Jews had emigrated from the Soviet Union. This is appalling when compared to the first 8 months of 1979, when 33,553 left. We must make this escalation in human suffering a more integral part of our overall relationship with the Soviets. The Helsinki process, as perpetuated in Madrid, is one approach; the time has come to look for others.

Emigration is by no means the only problem besetting the Soviet Jew today. The Shcharanskys, Beguns, and Paritskys are many, and all are prisoners of a system that recognizes nothing about freedom of thought, freedom to celebrate one's heritage and freedom to practice one's faith. For these reasons, it is imperative that the Kremlin continue to hear from those of us who are concerned. It is equally important that the persecuted know

that we are carrying their voices for them.

There is yet another, even more virulent and destructive malady which afflicts the Kremlin. I am referring to anti-Semitism, a disease that took root during the czarist period, but has returned to Yuri Andropov's Soviet Union in full force.

According to a recent Wall Street Journal article written by William Korey of B'nai B'rith, a book has recently been published in the Soviet Union called "The Class Essence of Zionism." This flagrantly anti-Semitic work has been endorsed by the official Soviet press. The book, written by Lev Korneyev, has been praised by Izvestia as "rich in factual material." An example of such factual material reads as follows: "Anti-Semitism in Russia was caused by the disgust on the part of the native population for the peculiar psychological and behavioral traits of the Jewish bourgeoisie." Endorsed by the Kremlin, such hateful statements are compounded only by a blatant implementation of their distorted message. The emergence of Yuri Andropov has ushered in a multitude of policy reversals, including the establishment of the Anti-Zionist Committee.

Since Chairman Andropov assumed his current role, contact between Soviet Jews and Jews abroad has been all but forbidden. The core of Jewish law and tradition, the Talmud and the Torah, have been branded "extreme fanaticism and chauvinism" by Soviet authorities and sychophants. A person whose name has become all too familiar to us, Iosef Begun, defied such policies by teaching the Hebrew language and culture. He now faces a criminal trial that could lead to a 12-year prison term.

What B'nai B'rith's William Korey called Moscow's Anti-Semitic Revival is symptomatic of a deeper, more insidious kind of persecution that threatens to smother the very vitality of a people. We need to follow the example of Anatoly Shcharansky who, though only half-way into his 13-year sentence, continues to stand for vigilance and freedom. His wife, Avital, also remains a beacon to the world that there is always hope and that no gain is too small.

We are truly in a period of rethinking our relationship with the Soviet Union. Our principal goals, however, must not change. The maintenance of global peace is still, and should always be, our prime objective. Peace is also a term that applies to individual human beings. This is why I believe it is incumbent upon all of us to continue to be vigilant and to speak with a clear voice when another nation defies universally agreed upon principles of human conduct.●

● Mr. LEVINE of California. Mr. Speaker, we meet on this solemn occasion to assess the status of Soviet Jewry in the wake of the downing of the Korean jetliner by the Soviets, an event that shook the world.

To those who care deeply about the plight of Soviet Jewry, this event can only cause grave concern. By now we are all familiar with the litany of facts about Soviet treatment of Jews: The lifeline to virtually all facets of Jewish culture has been nearly severed. There are no Jewish communal or social organizations. There are no Jewish schools of any kind. The teaching of the Hebrew language, the only language which has always been commonly shared by Jews everywhere, is not recognized by Soviet authorities as a legitimate profession and cannot be taught or studied by Jews. The freedom to practice religion is strictly controlled. Teaching Judaism to people under 18 is illegal. There are no seminaries to train rabbis. The doors to higher educational institutions are closing to an increasing number of qualified Jewish applicants as a result of discriminatory entrance examinations.

And then there is the area of emigration. One of the most graphic expressions of Soviet mistreatment of Jews and denial of their human rights can be seen in the decline of the emigration rate from the U.S.S.R. By now the statistics are all too familiar: During the last 12 years 249,235 Soviet Jews were allowed to emigrate. The peak year was 1979 when 51,320 Jews were allowed to leave. However, by 1981 the number had fallen to 9,447, and by 1982 to 2,688. So far this year only 1,070 Jews have been allowed to leave. These numbers are pitifully and painfully small.

But what of the plight of Soviet Jews in the wake of the Soviets' barbaric and heinous deed? What does it bode for the lives and futures of Soviet Jews—those who have always been among the first to suffer the brunt of deteriorating East-West relations?

The sad answer is that at this point we just do not know what the effect will be on Soviet Jewry. But we must continue to be ever watchful of Soviet treatment of them and we must continue to speak out on their behalf. We must continue to do all we can to bring to the Soviets' attention the fact that those of us who are free and who value human rights will continue to speak out on behalf of Soviet Jewry and against the oppression that makes their lives so difficult. And difficult it is.

As cochairman of the 98th Congressional Class for Soviet Jewry I join my colleagues in expressing concern for the plight of Soviet Jewry. The murder by the Soviets of 269 innocent men, women and children has brought down upon that country the outrage of every country in the world that values the sanctity of human life. The Soviets will have a long way to go to regain the respect of the world community. They can begin by trying to understand the meaning of the word "humanitarian" and to conduct their affairs in a humanitarian way. They can begin in their own backyard by taking a more humanitarian attitude towards Soviet Jews by ending their oppression of them and by allowing those to emigrate who wish to do so.●

● Mrs. KENNELLY. Mr. Speaker, the ruthless destruction of KAL flight 007 with its 269 passengers stunned the world, and left it reeling from the impact of such unabashed and unashamed brutality. But champions of the cause of Soviet Jewry were perhaps not as shocked as others by the Soviet actions. They know that the Soviet contempt for human life is manifested daily in the Soviet's treatment of Jews, other minorities, and ordinary Soviet citizens.

It is still too soon to assess the long term effects of the KAL tragedy on human rights in the Soviet Union. Some feel that the increasing tensions between the United States and Russia will worsen the plight of Soviet Jews. Others, perhaps more optimistic, guess that the Soviets may become more lenient with their Jewish population in an effort to repair some of the damage done to their world image by the downing of the Korean airliner. Regardless of one's viewpoint, it is still too early to tell whose assessment is correct. One thing that is clear to all those who care about the fate of millions of Jews in Russia is that the KAL tragedy must not be allowed to overshadow our concern and commitment to Soviet Jewry. It must not be allowed to push that issue from the agenda of the United States and the Soviet Union.

Last month, only 135 Soviet Jews were allowed to emigrate from Russia, and none of them were from Moscow. The Anti-Zionist Committee continues to spew forth its vicious and distorted propaganda about existing conditions for Soviet Jews in Russia. They maintain that the vast majority of Jews who wish to leave have already received permission to do so, and that reunification of divided families has been essentially completed. The Anti-Zionist Committee even maintains that anti-Semitic discrimination does not exist in the Soviet Union! Ida Nudel, my adopted refusenik, continues to languish in Moldavia, unable to find steady work, subject to periodic harassment, and denied her right to emigrate to Israel to be united with her sister Elana.

There is no doubt that as long as such conditions exist in the Soviet Union, the fate of Soviet Jewry must remain a high priority of the Congress and the administration. In one way, the senseless slaughter of 269 innocents will help us to do so. Now the

whole world realizes that the brutality of the Soviet regime extends not only to its own citizens and to those countries within its sphere of influence, but throughout the world, to whoever gets in their way. Perhaps in vividly demonstrating the callousness of the Soviet regime toward 269 innocents, it will sensitize the world community to the callousness that the Soviet Union shows every day to its own Jewish population.●

● Mr. FOWLER. Mr. Speaker, the rights of our fellow human beings should always be of great concern to us. At the present time, however, the issue is more timely than ever. With the recent, brutal attack on Korean airliner 007, we were reminded of the vast differences in the values of the United States and the Soviet Union.

These differences extend into all aspects of human life and the basic rights of individuals are no exception. My most recent trip to the Soviet Union reinforced my feelings of skepticism and suspicion toward the totalitarian regime there. The downing of the airliner made it clear how little the Soviet regime values human life. This message is conveyed every day to Soviet citizens through torture, cruel punishment and denial of basic freedoms.

While in Leningrad and Moscow this past July, I was fortunate enough to be able to visit with some of the many refuseniks. I was struck by their incredible strength, determination, and courage. These people are willing to risk everything—their jobs, families and even their lives—for the hope of living in a place where they can worship, teach and learn as they please, and simply live without fear of persecution.

We cannot allow the atrocity of the KAL incident to halt our efforts on behalf of human rights. On the contrary, we must increase our efforts to achieve the widest possible level of respect for human rights throughout the world to remind the Soviets that we will not forsake our brethren there, nor will we ignore the blatant violations which are being committed in the Soviet Union.●

● Mr. CORCORAN. Mr. Speaker, I am pleased to join my colleagues today in this special order concerning the status of Soviet Jewry after the Soviet destruction of Korean Air Lines flight 007. Ramifications of this horrible event are difficult to assess entirely for the long term, but it seems apparent that U.S.-Soviet relations are at an all-time low since two decades ago when the Cuban missile crisis occurred.

Many things can be and have been said about the Soviets following the KAL downing—facts many of us have been stating for years which have been acutely reinforced by this act. That the Soviets cannot be trusted, that they do not play by Western rules, that they lie about their actions and consider even the callous murder of 269 innocent civilians inconsequential to their supposed security needs—all of this is now achingly obvious to the remainder of the world. But how does this affect Soviet Jewry and the Soviet's emigration policy?

Those of us in Congress who have worked for the emigration rights of Soviet Jews over the years have always known we were walking a fine line in determining just what actions would best serve the cause of increased emigration. Pressure has been brought to bear through every forum available—through direct letters to Soviet officials, through urging our own government officials to address the issue with the Soviets, through the United Nations, through international conventions. Past unilateral actions by the United States, however, have met with little success as regards curbing Soviet behavior. This is why I supported the President's response to the KAL tragedy and believe that any future actions taken against the Soviet Union must be in concert with our allies in order to have a considerable and lasting impact on the Soviets.

I believe we must continue and in fact step up our activities on behalf of those wishing to emigrate from the Soviet Union, and to help protect their rights while still in the U.S.S.R. We also need to encourage our friends and allies around the world to do likewise. The moral outrage that the world community feels after KAL 007 should be translated into long-term actions which show the Soviets they cannot continue to act violently, aggressively, nor against basic human rights without incurring more outrage and becoming more and more outcast from the civilized world, upon which it realistically depends for important functions such as trade.

The Postal Operations and Services Subcommittee, of which I am senior Republican member, today held a hearing concerning Soviet interruption of U.S. mail. This is the first of a number of hearings which will address this matter, and the next will be held in Chicago this fall. The hearings will greatly help Congress continue to monitor Soviet interruption of mail and will solicit information from ethnic and religious groups which have evidence and knowledge of pertinent Soviet actions. Discussions have thus far included the possibility of having an interparliamentary meeting in Europe so that we can formulate a plan in conjunction with our European allies to pressure the Soviets to end their obstructive postal procedures. It is clear that the U.S. Postal Service also needs to become more involved in pressing the Soviet postal system to adhere to internationally accepted postal policies.

I will continue to work actively in committee to see this important problem addressed, as anyone dealing with those wishing to emigrate from the Soviet Union realizes how critical the receipt of mail from the free world becomes. In this particular issue, as well as others dealing with Soviet misconduct, our approach should be broadened to involve those around the world who share our concern for basic human rights and freedom.●

● Mr. LENT. Mr. Speaker, it is an honor to join my colleagues in this important discussion. It is essential that we review the effect the destruction of Korean airliner KAL 007 has had on United States-Soviet relations, and the impact of this development on Soviet Jewry. I commend the sponsors of this special order for their efforts in making possible our exchange of views, and I commend as well the Union of Councils for Soviet Jews for undertaking an indepth review of the problem at its annual meeting later this month.

One danger in the understandable outrage over the destruction of the airliner, resulting in the death of 269 innocent civilians, is that the increasingly serious plight of thousands of Soviet Jews may be, temporarily at least, lost to sight.

Such a result would be a tragedy. It is vital that the problems of Soviet Jewry remain a high priority in U.S. policy toward the Soviet Union. This human rights issue is a matter of world concern, and must never be relegated to the background in U.S. dealings with the Soviets.

Indeed, the horrifying and inhuman action of the Soviet military in destroying the Korean airliner is just another shockingly brutal demonstration of the contempt the Soviet leaders have for human rights. A contempt which has been exhibited over and over again from the time Lenin and his comrades seized power in 1917. From that day to this the leaders of the Soviet Union and their faceless minions have never hesitated to take the most brutal actions; actions which transgress all standards of civilized conduct and trample on the rights of the innocent. In so doing the Soviet leaders have repeatedly shown their total contempt for the basic human values which are the hallmark of a civilized society.

Nowhere has that contempt been demonstrated more clearly than in the Soviet Union's violations of the human rights of thousands of its Jewish citizens. These Soviet Jews seek only the freedom to practice their religion in the country of their choice. With increasing ferocity, the Soviet regime has imprisoned, harassed and persecuted thousands of innocent Jews, solely because they sought freedom. In the past 2 years, the Kremlin-

directed measures of oppression have become harsher. Fewer and fewer Soviet Jews are being permitted to emigrate to Israel. Only a few hundred have been permitted to leave in 1983, a tiny fraction of the emigrants approved in the 1970's. In fact, in 1979, more Soviet Jews emigrated each day than have been permitted to leave in any month of this year.

And it is very possible that the paranoiac response of Soviet leaders to the worldwide protests over the destruction of the Korean airliner may cause even greater persecution of Soviet Jews.

In such ominous circumstances it is vital that the United States maintain and increase its rigorous efforts on behalf of Soviet Jews. It is imperative that we in the U.S. Congress do everything we can to impress upon the Department of State the necessity for the strongest possible representations to the Soviets on this issue. Further, we in the Congress must redouble our own personal protests—letters telegrams and other messages of protest to officials of the Soviet Union—as well as to increase our own messages of support and encouragement to the individual Soviet Jews imprisoned or persecuted because of their efforts to seek freedom.

Early this year, on an official congressional visit to the Soviet Union to discuss arms control measures with Soviet officials, I was able to meet with nearly two dozen Soviet Jews—all refuseniks—in Leningrad and in Moscow. As one, they repeated the same plea: "Tell every American what is happening to us. Keep working for us. You are our only hope."

My colleagues, let us all join in an increased effort to help these innocent victims of cruel persecution. Never has there been greater need for our help. Let us pledge here today that we will make that extra effort. We must do more to open wider the door to freedom for Soviet Jews.●

● Mr. FRANK. Mr. Speaker, the Korean Air Lines incident serves as a timely reminder, if anyone needed reminding, of the callousness with which the Soviet Union conducts its affairs. It was essential that the world's attention focus on this incident, both because of the brutality of the act itself and because of the hypocrisy of official Soviet pronouncements.

Nevertheless, may I suggest that we run the risk that this incident may divert our attention from the more routine aspects of life in the Soviet Union: the persecution of the Jews is one example. It may not be as surprising as the shooting down of a civilian airliner, but it must continue to shock us. Although the persecution of Jews has become a commonplace in Soviet life, we cannot allow ourselves to become inured to their plight.

Mr. Speaker, conditions for Jews in the Soviet Union have taken a turn for the worse. Emigration has slowed to a trickle. A new anti-Zionist, which is to say anti-Semitic, campaign has been launched. Those of us in Congress who handle individual human rights cases increasingly find ourselves up against the brick wall of official Soviet intransigence: the Helsinki accords are flagrantly violated.

We cannot despair. Even with no visible progress, we accomplish much by exposing Soviet human rights abuses to the world. Not only does our show of solidarity give comfort to oppressed people in the Soviet Union and elsewhere, it also strengthens the love of liberty at home. Mr. Speaker, we must never allow our love of liberty to become lazy. By pricking our conscience with daily reminders of the abuses of human rights which unfortunately have become so common in so much of the world, we grow more alert to the many components of our own society which are essential to the maintenance of free institutions.●

● Mr. DOWNEY of New York. Mr. Speaker, the Soviets' wanton and cold-blooded shooting down of the Korean airliner and its passengers and crew has enraged and revolted all people everywhere. There is no excuse, nor can there ever be an excuse—under any circumstances—for such a cruel and barbarous act. It is an act of madmen. And it betrays the terrible and dangerous extent of Soviet paranoia.

But sick or sane, the Soviets have once again violated international law and fundamental principles of morality. I believe that they must and will answer for this crime as they will answer for all their crimes against humanity. They will answer today because we have taken actions to sanction them, and even more, they will answer tomorrow because, in the long run, they will have lost the strength of moral conviction.

For those of us involved in the struggle for Soviet Jewry, the recent atrocity begins no new chapter in what is clearly a history of inhumanity by the Soviet Government. Their record in human rights has been despicable and has even worsened under the new leadership of Andropov. We must be aware of the continuity of Soviet injustices and not permit our justifiable indignation to cloud the essential need to understand the nature of the Soviet regime. For it is only through such an understanding that we can effectively act against Soviet crimes against the innocent. We must not defeat our efforts by moving any step closer to a cold, if not actual, war situation.

I would therefore like to share with my colleagues my own thoughts on the Soviet leadership after a recent visit to the Soviet Union. It has become obvious to me that many of the abhorrent actions of the Soviets can in some way be understood in a logic to their oppression. This is a logic that has been written in the darkest pages of history; a logic that has seen oppression used skillfully to bolster support and silence the destabilizing voices of reason.

Our congressional delegation visit, the first official exchange with the Soviet Union since 1979, took place at the invitation of the Supreme Soviet. Our discussions with the Soviets on human rights issues confirmed our worst fears. Representative HENRY WAXMAN of California delivered an excellent speech outlining the continued violation of international agreements embodied in Soviet treatment of Jews and other minority groups. The Soviet reaction to this speech was more eloquent than any formal response they could have delivered; during the presentation, many Soviets took off translator headphones and were generally boorish. I understand that subsequent human rights discussions were no better.

It became clear that we were witnessing less a demonstration of Soviet disrespect for the views of the United States and more a comment on the current consolidation of the power structure in the Soviet Union. While normalization of United States-Soviet relations would, no doubt, contribute positively to our efforts on behalf of Soviet Jews, there are other problems—internal problems—that appear to bolster the current repressive trend. Let me explain this point further.

I had previously visited the Soviet Union. In 1979, under Brezhnev, there was never any doubt as to who was in control of the Supreme Soviet. On this recent visit, there was visible backbiting between officials—an insecurity as to the constituencies of those with whom we spoke. In Moscow, I saw pictures of Stalin taped to the insides of taxis. It was explained to me that this is the individual's statement of a desire to return to the "old order," a time when people knew their place and roles were well defined.

That is clearly the regime of an ailing leader. Mr. Andropov has been unsuccessful in consolidating a power base and the repression we are witnessing is, no doubt, a direct result of this situation. Today, we see in the Soviets' attitude toward Jews what the world has seen for centuries—the Jew as scapegoat. Like their historical antecedents, the Soviets view crackdowns and repression as a way to bolster support in a nation that is basically anti-Semitic.

It was our meetings with Soviet Jews which provided our delegation with clear evidence of the success of the struggle for Soviet Jewry. The refuseniks spoke of their lives of oppression. Anti-Semitic diatribes in the press, they explained, are increasing. At-

tempts at Jewish history or cultural instruction are often broken up by police and arrests are common. Many friends and relatives remain imprisoned for their honest attempts to live out the cultural lives of their forefathers. And the children of refuseniks are deprived of opportunities as well. They stand little chance of acceptance at first or second-rate schools and universities. Young Jewish men will eventually be sucked into the "Catch-22" of military service—a period of service which will later be the grounds for denial of their emigration rights due to supposed knowledge of "state secrets." And, of course, these men and women spoke of their dreams for their children to live out their culture in peace and freedom with their relatives abroad.

In light of the KAL disaster, we must surely press for reparations for the families of the victims, for a full accounting from the Soviets, for a continued ban on all Aeroflot flights into our country, and for access to Soviet waters to conduct search, rescue, and salvage operations.

But no, we must not end our discussions on human rights or our efforts at arms control. We must remember the long-term interests of our own people and the interests of those who continue to live lives of suffering and cruelty and who find no surprises in acts of inhumanity by the Soviet regime.

In our visit to the Soviet Union, Members of Congress were struck by the amazing optimism of the refuseniks we met. Their spirit and continued hope made an impression on us that we shall never forget. So let us keep this spirit in mind as we move forward from the KAL disaster. And let this spirit temper us in our need for revenge and nurture in us the thoughtful presence of mind required to continue our efforts on behalf of Soviet Jews.●

● Mr. WIRTH. Mr. Speaker, the human rights atrocity committed in the Soviet destruction of KAL 007 deserves international condemnation. It does not, however, justify abandoning the necessary, albeit tenuous, dialog we have maintained with the Soviet Union concerning human rights. To punish the perpetrators of this tragedy by abdicating our responsibility to keep open communication would have the unwanted effect of severing whatever practical influence we have to address the plight of Soviet Jewry. At a time of heightened anti-Semitism, the death of 269 victims places the hope of imprisoned Soviet Jews on the precipice. If we turn away from the Soviet Union in revulsion, we will have allowed one tragedy to provoke another. We should resist the temptation to isolate the Soviet Union, for in so doing, we will also be isolating those people most in need of our continued commitment, Soviet Jews. They will become the inadvertent victims of our anger. We must show determination and patience in our struggle to improve Soviet emigration and human rights policies. Our initial revulsion at this criminal act must be tempered with the knowledge that if the present, rigid Soviet policy on Jewish emigration is to change, our response must be measured. We should reject bombast, as it will only reinforce those elements in the Soviet Union who wish to make Soviet Jews hostages to U.S. foreign policy.

As chairman of the 1983 Congressional Vigil for Soviet Jewry, I urge my colleagues to join me in rededicating our efforts to achieving a new dialog in human rights as a fitting tribute to the victims of flight 007.●

● Mr. MACK. Mr. Speaker, no one will soon forget, if ever, that on August 31, a Korean jetliner was callously shot down over the Sea of Japan by a Soviet fighter pilot after the commercial aircraft accidently strayed into Soviet airspace. It is important in the aftermath of this appalling and utterly inexcusable loss of 269 innocent lives, however, to remember that there are thousands of living innocents remaining in the Soviet Union whose lives are daily tragedies in the environment of that country's totalitarian regime.

Among these living innocents are nearly 500,000 Soviet Jews, many of whose only crime has been a request to emigrate to Israel or America, where they have the freedom to practice the religion they choose. The situation for Soviet Jewry has steadily deteriorated during the past year. Emigration has come to a virtual halt; only 639 Jews have been permitted to leave during the first 6 months of this year, a far cry from 1979, when 51,329 Jews emigrated. The 130 Jews who left during August were significantly fewer than the average number of Jews who left during a single day in 1979, the peak year for emigration. If this trend continues, less than 1,200 Soviet Jews will be allowed to leave in 1983.

I strongly supported the President's measured response to the shooting down of Korean Air Lines flight 007. Our administration acted with the restraint and wisdom that the moment required. Perhaps it is wishful thinking in light of recent events, but it remains my hope that the Soviets will now step back from their refusal to admit their guilt, and take steps to show they are ready to join the rest of the free world in respecting human rights. One way would be to honor the commitments they made under the Helsinki accords 8 years ago. Another would be to disband the Anti-Zionist Committee that announced earlier this year that all Jews wishing to leave the Soviet Union had been allowed to leave. This, needless to say, is totally and completely false, yet all too consistent with the falsehoods emanating daily from the Soviet Union.

As those within the Soviet Union continue to protest government-sanctioned anti-Semitism, so must we. Now is not the time to forget those unalienable rights our country was founded on. We must continue our efforts on behalf of those denied the basic freedoms that we take for granted. We must continue to speak out, to fight for Soviet Jewry, even in the face of the great odds and utmost adversity which we face today.●

● Mr. McDADE. Mr. Speaker, I join my colleagues today on this special order as we reassess the state of United States-Soviet relations in the wake of the callous destruction of KAL 007 and the murder of 269 citizens of several nations.

I am particularly disturbed by this action and what it will mean for the future of human rights, in particular, what it will mean for Soviet Jewry. This Congress and this Nation must maintain our strong commitment, and unbending support for the rights of Soviet Jews to emigrate freely. This is one of our highest priorities in our dealings with the Soviet Union.

Mr. Speaker, this concern for human rights in the wake of the Soviet attack is not just limited to the comments here on the floor today. I have just received a copy of a resolution adopted by the State Senate of Pennsylvania on September 19, 1983. This resolution clearly captures the abhorrance and revulsion we all felt over the past several days. I insert the text of this resolution at this point in the RECORD.

STATE OF PENNSYLVANIA—RESOLUTION

Whereas, the Soviet Union has perpetrated a wantonly barbaric act by destroying a Korean Airlines Boeing 747 without cause or provocation and has failed to acknowledge responsibility, convey any sense of regret or provide guarantees against future acts of aggression; and

Whereas, two hundred sixty-nine innocent persons lost their lives, including at least 60 Americans, causing tremendous grief and creating international outrage; and

Whereas, this incident defies explanation or justification, is contrary to all codes of international conduct and raises questions about the safety of future flights and other means of international transport; and

Whereas, this is the latest action in a string of Soviet human rights abuses and national sovereignty violations which disrupt American efforts to establish friendly relations and further jeopardize our goal of maintaining world peace; therefore be it

Resolved, That the Senate of Pennsylvania condemn Soviet conduct and memorialize the President and the Congress to continue efforts to obtain a full accounting from the leaders of the Soviet Union and to take appropriate steps to ensure the future safety of American air carriers and the lives of our citizens traveling on commercial air carriers originating in other countries; and be it further

Resolved, That the Senate of Pennsylvania express its deep sympathy to the fami-

lies of the victims of this tragic occurrence and its hope that the world does not again experience such a loss.

It is actions of the Soviet Union that inspire resolutions like the one just read. But the problem of Soviet abuse of human rights is more than just these resolutions in the face of the downing of flight 007. There are people in the Soviet Union that need our help, now, today.

I draw my colleagues attention to one, Eitan Finkelstein. Eitan, along with his wife Alexandra, and daughter Miriam, has been refused the opportunity to emigrate from the Soviet Union since April 1971. Eitan is a physicist, Alexandra, an X-ray technician.

They have been refused the opportunity to emigrate because the Soviets have formerly classified his job as "second form" secret.

Eitan and his wife are outspoken advocates of the right for all Soviet Jews to emigrate, they are leaders in the refusenik community. The result of this has been oppression, constant surveillance, and police harassment.

The story of political and social oppression in the Soviet Union is not news, interrogation and detainment does not warrant the front page any more, the entire refusenik effort seems to be developing a callousness in some parts of this country—just what the Soviets want.

The main reason I remind my colleagues today of the plite of Eitan Finkelstein and his family is for the words he wrote in his 1981 book, entitled "A Guide to Would-Be Refuseniks." Eitan's words, "The main thing is—don't lose heart * * *. Keep on fighting and you will win through."

This special order, the resolutions that occur when acts of horror force us to speak out, reminding, telling the story, these are the things that will bring the ultimate victory. We in Congress who support and believe in human rights must keep fighting, we can not lose heart, we must—in the words of Ellie Wiesel—be able to tell the story for those that can not speak for themselves.

As a people of conscience, we must act. We can not stand and watch. Today, we have kept the faith, we are fighting and we will win.●

● Mr. DAUB. Mr. Speaker, I appreciate having this opportunity to join my colleagues in the special order on behalf of the plight of Soviet Jews.

As world events in recent weeks have brought worldwide calls for sanctions against the Soviet Government, we must not allow the situation of Soviet Jews to be overshadowed.

The deprivation of rights which Soviet Jews endure daily in their country may not have received a great deal of public attention in recent weeks, and it is therefore crucial that we take this opportunity to refocus public awareness on the cruel injustices the Soviet Government imposes upon Jews who seek religious freedom and the right to emigrate.

I take this moment to reiterate my deep concern for the situation facing Soviet Jews and to remind the public that the maltreatment of Jews in the Soviet Union has not abated.

Our voices must continue to be heard. We must let the Soviet leadership know that we will be unceasing in our efforts to secure the freedoms that rightly belong to all men and women, regardless of their religious affiliation.●

● Mr. EDGAR. Mr. Speaker, the destruction of Korean Air Lines flight 007 has cast a pall over U.S.-Soviet relations at an inauspicious time for Soviet Jews. I wish to thank the gentleman from Michigan and the gentleman from Pennsylvania for reserving this time for us to comment on the effect of this incident on the Soviet Jewish community.

The past year has been a grim one for Soviet Jews. Immigration numbers have hit rock bottom, and the Soviet authorities under Yuri Andropov have increased official actions against dissidents and minority groups of all types. In April, a letter in Pravda announced the formation of anti-Zionist committees in most Soviet cities. These organizations spread anti-Semitic propaganda and attempt to make the case that emigration for Jewish family reunification has been completed.

How will the KAL 007 incident affect Jewish emigration, already at its lowest level in a decade? How will it affect the quality of life of those Jews remaining in the U.S.S.R., as well as those who have applied to leave? A member of my staff, just back from the Soviet Union, reports that so far the matter has meant only increased jamming of VOA and BBC broadcasts. However, the long-term impact is not yet apparent; we should take this opportunity to consider just what can be done to further help Soviet Jews in this difficult period.

Let me briefly note a number of initiatives which can be helpful. First, we need to maintain open communication with Soviet Jews. At the executive council meeting of the Universal Postal Union earlier this year, Postmaster-General Bolger was somewhat successful in bringing to the attention of Soviet officials our Government's concerns about receipt of mail by citizens of the U.S.S.R. We need to continue these efforts, so that Soviet Jews can receive messages of support as well as material assistance from the West. For Soviet Jews, the psychological boost from receipt of mail and packages is enormous.

Next, the issue of Jewish emigration must remain a priority matter at every forum where representatives of our Government and the Soviet Union meet. The Reagan administration has a good record in this area; these efforts should be continued. No doubt our official exchanges will be reduced due to the KAL 007 incident. However, we should make up for this lack of frequency by calling even more regularly and vociferously for the release of the refuseniks and for the guarantee of basic human rights for Soviet Jews.

Finally, we should continue our own activities on behalf of Soviet Jewry. Congress has frequently written letters for refuseniks and dissidents and taken actions in specific human rights cases. The shooting down of KAL 007 was a violation of human rights to which the U.S. Government rightfully responded quickly, vocally, and harshly. We should react with similar force to the continuing, less publicized persecution of thousands of Soviet Jews. In short, the groundwork has been laid. Both in Congress and among the private groups, an impressive network of information and support exists to aid Soviet Jewry. The coming months, however, will present us with great challenges as U.S.-Soviet relations enter a new, uncertain period. Our only response can be to continue and increase our commitment.●

● Mr. McGRATH. Mr. Speaker, the downing of Korean Air Lines flight 007 is an event whose tragedy will not diminish with time. In fact, the implications will undoubtedly increase in severity. One far-reaching consequence will be tighter restrictions on an already strangled Russian society.

As we are well aware, the Soviet media is an official arm of the Government. Its role is to spread propaganda both at home and abroad. The manipulation of minds is unquestioned. I was in the Soviet Union when KAL flight 007 was destroyed, and can personally attest to this fact. The Soviet citizenry knew nothing of its occurrence. What then, is the future of citizens who wish to leave? They are becoming more and more isolated from the world in which they so valiantly struggle to remain a part.

Today's special order seeks to assess the plight of a people in this desparate situation, Soviet Jews. During my recent trip, I met with many refuseniks whose hopes are high despite increasing anti-Semitism and persecution. They truly believe we in the West, particularly the American Government, can make the difference between a life of continued persecution and suffering, or the chance for a full life in a free and democratic society. They want out. I believe we can help them.

This is a weighty responsibility, but one we cannot afford to ignore. We are the lone hope for people who only ask to know what we take for granted: free expression, freedom of religion, free thought, and free lives.

The tendency to think of imposing sanctions on the Soviets for their heinous crime is natural. I wholeheartedly agree that their brutality cannot go unpunished. Yet we must remember that certain action can harm people as innocent as the 269 who perished on flight 007.

Our course of action is clear. We cannot let Soviet Jewry get lost in an exchange of harsh and heated words. We must keep the issue on the international agenda. We need to recommit ourselves to this matter, and step up the pressure. We must strive to find new and innovative ways to convince the Soviet Union that allowing the emigration of those Jews who want to leave, is in its national and international interest. We must make this an issue that will not go away. We are a lifeline to thousands of people. We cannot let a cutoff occur.●

● Mr. FAUNTROY. Mr. Speaker, I want to congratulate my colleagues, Congressman SANDER M. LEVIN and Congressman LAWRENCE COUGHLIN, for scheduling this special order on Soviet Jewry: An assessment after KAL 007.

Such an assessment is very much needed at this time for I am very much concerned that our legitimate outrage at the murder of the 269 people aboard KAL flight 007 may blind us in our rage and set off an ideological jihad preventing us from pursuing the promotion and protection of human rights with the Soviet Union.

The promotion and protection of human rights is in the national interest and is central to our national integrity. One of the most important human rights is the right to emigrate as embodied in article 13 of the Universal Declaration of Human Rights. Our effectiveness as a nation in promoting and protecting such human rights will be enhanced by heeding Alexander Hamilton's words that our Nation, great as it is, has not attained "an exemption from the imperfections, weaknesses, and evils incident to society in every shape." Hamilton went on to recommend that we "adopt as a practical maxim for the direction of our political conduct that we as well as other inhabitants of the globe, are yet remote from the happy empire of perfect wisdom and perfect virtue."

As we approach the Soviet Union, as we should continue to do, on their failure to implement the requirements of the Universal Declaration of Human Rights, specifically, "that everyone has the right to leave any country, including his own," we should be somewhat chastened by our policy of interdiction of Haitian refugees on the high seas which is clearly in opposition to the spirit and intent of article 13 of that document.

On September 12, 1983, I urge my colleagues in response to the tragedy of KAL 007 to remember our Judeo-Christian heritage and the words of the prophet Isaiah:

If you do away with the yoke of oppression, with the pointing finger and malicious talk, and if you spend yourselves on behalf of the hungry and satisfy the needs of the oppressed, then your light will rise in the darkness, and your night will become like the noonday. The Lord will guide you always.

This is the spirit which I suggest for our great body as we continue to address the plight of Soviet Jewry.●

● Ms. KAPTUR. Mr. Speaker, the horrendous destruction of the Korean airliner by the Soviet regime brought home to all Americans its total disregard for human rights. But this atrocity was not a revelation to Soviet Jews. They have been suffering indignity and inhumane treatment for decades.

This heinous act and the resultant reassessment of U.S.-Soviet relations should serve to focus international attention on the Soviet Union's treatment of its Jewish population. Emigration of Soviet Jewry in 1983 has dropped dramatically. Only 934 Jews have emigrated from the Soviet Union in the first 8 months of 1983. This figure is even more shocking and disturbing when compared to the 33,553 Jews who emigrated in the first 8 months of 1979. It is estimated that only 1,400 Jews can be expected to emigrate this year. This is less than 3 percent of the Soviet-Jewish emigration of 51,331 in 1979.

We must continue to work for the freedom of all Soviet Jews. I urge my colleagues on both sides of the aisle to work together in this most challenging and important struggle on behalf of Soviet Jewry.●

● Mr. FORD of Michigan. Mr. Speaker, I would like to take this opportunity to contemplate for a moment the state of international affairs in light of recent events by the Soviet Union, most particularly the shooting down of the Korean airplane which killed all those aboard. I think it is necessary to examine some of the policies and actions of that country to fully understand the implications for the fate of all citizens of all countries.

Living conditions in the Soviet Union are deplorable for most Soviet citizens; for Jews they are many times worse due to the flagrantly repressive policies of the government. For those of us fortunate enough to be born and raised in a free country such as the United States, it is quite difficult to understand the plight of so many who are persecuted with such a vengeance.

The choice to apply to emigrate from the Soviet Union is a most painful one. Once the application is made, most applicants are fired from their jobs. They are monitored by the KGB, their phone service is cut off, and their mail is heavily censored and many times lost. Facing years of persecution, their applications for visas are turned down time and again for a variety of fictitious excuses: Access to classified information, husband's army service, no reunification of family, etc.

The case of Anatoly Shcharansky illustrates the typical plight of many who have applied to leave the Soviet Union. His first application was made in 1973 and denied in 1974, thus encouraging his personal crusade for human rights. His wife Avital was forced to leave the Soviet Union just 24 hours after they were married with the promise that her husband would follow in a few months. Many years later, it is obvious that there was never an intention on the part of the Soviet Government to honor that promise. The signing of the Helsinki accords in 1975 illustrated another promise broken. The changing of the kinship rule in 1979 to include only "first degree" kin did not exclude Shcharansky from joining his wife in Israel—Soviet persecution did.

In 1977 Shcharansky was arrested on false charges of treason and "anti-Soviet agitation and propaganda." During a closed trial which allowed no lawyer of his choice and no defense witnesses, he was sentenced to 13 years in prison and labor camps. In fact, his only crime was his attempt to insure that his country uphold the Helsinki agreement to guarantee the right of family reunification and the free exercise of religious, political, and cultural freedoms. Anatoly Shcharansky has been subjected to brutal conditions while in prison: Solitary confinement, severe cold, and inadequate food, sleep, and health care.

The Soviet Government has not been letting up in its denial of basic human rights. The sharp decline in the number of emigrants from that country began after a record 51,000 were permitted to leave in 1979 and hit an alltime low last year at 2,700. The saying is true: "It's a tough place to live. It's a tougher place to leave."

The picture appears bleak. Americans would like to believe that the Soviet Government possesses a shred of humanity. The harsh reality came crashing down along with Korean Air Lines flight 007 and its innocent civilian passengers and crew scarcely 1 month ago. The Soviet Government deprived 269 citizens of other nations of the most basic internationally recognized human right—life. This blatant disregard for life was further compounded by an initial absence of comment from the Soviet Government followed by outright lies and accusations against the United States.

It has become increasingly clear that the Soviets are not content to repress their own people. The invasions of Poland and Afghanistan are relatively recent examples of that intent, as are the Soviet-backed Syrians in Lebanon and the barrage of Soviet weapons in

Central America. The Soviet Ambassador to the United Nations has repeatedly used influence in that body to discredit the United States and to term it an "enemy of the peace." Yet, with the help of Third-World delegates, the Soviets succeeded in pushing through the General Assembly a resolution which "resolutely condemns policies of pressure and use, or threat of use, of force, direct or indirect aggression, occupation and the growing practice of interference, overt or covert, in the internal affairs of states." The timing of this resolution was just a month before the Soviet invasion of Afghanistan.

In times of much rhetoric when people worldwide fear the ever-present possibility of nuclear war, the Soviet Union remains an arrogant aggressor. It has shown time and again, that its promises are worthless, arms control is meaningless, and that its government values its sacred borders far more than it does any respect for individual human life.●

● Ms. FERRARO. Mr. Speaker, at this time when United States-Soviet relations are in a state of extreme crisis, it is especially important that we not forget the continuous crisis facing Jews in the Soviet Union.

Some Soviet Jews are fighting for their human right to rejoin families in other lands; millions more seek only to live their lives as Jews in their native land.

We must not allow these people—people like Ida Nudel and Lev Elbert and Yosif Begun—to become victims of the downing of Korean Air Lines flight 007. We must not allow our righteous outrage over this event to obscure the fact that the Soviet Union is a nation we must deal with forcefully and effectively if we truly care about human rights.

Our efforts to assert the rights of Jews and other ethnic minorities in the Soviet Union have been slow, plodding, and often extremely frustrating.

But these efforts must continue—both to let the Soviet Union know that human rights remain a top priority and to let the refuseniks and all 3 million Jews living in the Soviet Union know that they are not forgotten●

● Mr. PATTERSON. Mr. Speaker, I rise today to draw attention once again to the plight of Jews in the Soviet Union. I want to compliment my colleagues. The gentleman from Michigan and the gentleman from Pennsylvania for organizing this special order which reexamines the situation of Soviet Jews.

All of us here today have expressed outrage at the destruction of Korean Air Lines flight 007. This callous act of the Soviet Union once again brought to light the lack of respect for human lives exhibited by this regime. At first, this tragedy seemed almost unreal, beyond our conceptions of dignity and responsibility. However, the world soon condemned the terrorism displayed by the Soviets. It is now time that we set rhetoric aside and begin to reassess United States-Soviet relations and Soviet observance of human rights. Of particular importance in this area is the plight of Soviet Jews.

On July 14 I stood on the Capitol steps with many of my colleagues and joined in a prayer vigil for Soviet Jews. Presently, Jews in the Soviet Union are faced with cultural and religious repression, severe emigration restrictions, and increasing anti-Semitic statements in Soviet publications. In recent years, the situation has worsened. We cannot ignore the gross violations of human rights that are becoming greater every year. Only 4 years ago, over 50,000 Soviet Jews were permitted to emigrate, but now fewer than 3,000 Jews are permitted to leave the Soviet Union each year. This trend is indicative of the recent attack on human rights by the Soviet Government and there are no signs that the trend will reverse itself. Congress has always recognized the severity of the Soviet Jews' plight and it is absolutely necessary that we continue to be committed to their cause. The downing of KAL 007 should serve to remind us of the brutality of the Soviet system.

The Soviets may feel that we have no business commenting on how they treat their own people, but we must never forget that human rights is the centerpiece of American foreign policy. To maintain our moral authority, it is vitally important that the United States maintain an evenhanded human rights policy. We condemn the Soviets for their abuses, and rightfully so, but if our condemnations are to carry any force, the world must recognize them as consistent policy, not as selective, prejudiced attacks. If we openly support the violent regimes that rule some Latin American, Asian, and African countries while simultaneously attacking the Soviets as human rights violators, the world will view our protests as hollow gestures. Just as we are committed to the Soviet Jews and their struggle for freedom, we must also affirm our commitment to all oppressed peoples, regardless of the governments that rule them. Otherwise, our policies will be both ineffective and meaningless.

As the human rights situation in the Soviet Union continues to deteriorate, the task before us will obviously be a challenging one. This Congress must continue to demonstrate strong support for Soviet Jews and other oppressed groups. We must let these groups know that we are aware of their plights and that we are doing our best to help them. Today we renew our commitment to human rights in our foreign policy and we send a clear message to the Soviet Union that the United States is fighting for the rights of the oppressed in the Soviet Union and around the world. The Soviet Jews will not be forgotten—ever.●

GM (GLOBAL MOTORS) AND NEW RECORD TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. GAYDOS. 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 Pennsylvania?

There was no objection.

Mr. GAYDOS. Mr. Speaker, the steel caucus had authorized this special order to discuss problems inherent with the steel industry and in conjunction with the problems of the automobile industry. I have in the Chamber with me today a fellow officer of the steel caucus, the gentleman from Indiana (Mr. HILLIS). I will make my remarks relatively brief.

Mr. Speaker, we are in the last quarter of 1983 and the experts predict the United States will set at least two new economic records in the next 2 years—a $60 billion trade deficit this year followed by one of $100 billion in the next.

Of course, these projections will hold true only if nothing changes.

And the really bad news is that some in the administration may be bent on making changes—changes for the worse; changes that would push the deficit above $100 billion.

There are well-founded fears that the administration is being pressed to negotiate—and will negotiate—an increase of almost 30 percent in the number of Japanese automobiles coming into the United States.

This would be done in the interest of extending the voluntary agreement with Japan for another year beyond its expiration in March.

It would put the seal of harmony on the President's visit there in November.

However, such a move at this time could well hamstring whatever kind of recovery we have going, and it is not much in the part of industrial America that I represent.

And such a move would do nothing to bring about harmony in the Congress or the Nation. The projection is that $29.6 billion of our $100 billion-plus deficits by 1985 will be with Japan in automobiles.

It will send body blows to automobile workers and steelworkers. It will stun all who are working to overcome

the damage of subsidy and dumping and foreign industrial policies.

The impact would be felt directly by almost 550,000 workers, according to projections, and 18,000 would be in Pennsylvania, which already is hard hit by unemployment.

In my case, the vibrations could begin with suppliers of GM's Fisher Body Works at West Mifflin, Pa., in my district, and ring through the steel mills.

The officials and industrialists who want this 30 percent right now would step up the pace of what their policies are doing for industrial America.

And what they are doing for industrial America is what cutthroat deregulation has done for the air transportation system.

Our workers have taken pay cuts and rules changes to compete. Meanwhile, this Government stubbornly has done as little as possible to neutralize the unnatural advantages the foreign competition is given by overseas governments.

These unnatural advantages range from effective industrial development policy and targeting on down to simple massive subsidy.

One aspect of effective policy in Japan is low-cost capital for industrial development. It comes at rates as low as 2.25 percent and 4.5 percent, which I will discuss later.

This domesticated capital is one of their most powerful advantages.

But for now, Mr. Speaker, there are two other purposes in these special orders.

The first is to discuss with the House what is happening and the ramifications of such developments.

The second is to bring favorably to the attention of this body an excellent concurrent resolution introduced by Mr. HILLIS of the steel caucus and the automobile caucus.

The resolution would tell the administration in terms that cannot be misunderstood that this Congress does not want this 30-percent increase, or any increase.

As I understand it, an increase is in the wind to accommodate General Motors and three deals our giant has worked out. It also will accommodate those Japanese automakers who do not like the three deals.

First, there is the joint venture with Toyota to build 200,000 automobiles a year in California that will carry the Chevrolet nameplate. This will get GM into small cars and ultimately replace the Chevette.

I asked General Motors headquarters about the sources of parts and steel for those cars. I got two answers. They said that many of those things have not been decided yet and that the joint venture will make those decisions.

But we can assume the steel will be Japanese. We have no west coast supplier. So the steel most likely will come from Japan and most likely from the steel company in Toyota's trading-banking group.

Then there is the agreement with Suzuki Motors to import 200,000 cars a year with an American nameplate on them.

Suzuki, I read, had to borrow money to tool up for this push. If Suzuki followed the usual Japanese pattern it borrowed from the Government's Japan development bank and the mother bank of its trading group and all the institutions under mother's kimono.

And if Suzuki borrowed, it borrowed at rates that our industries can not find duplicated here, about which, more later.

And last, there is the agreement with Isuzu for 100,000 cars to be imported the same way. GM owns about 35 percent of Isuzu. It does not own more because the Government of Japan has never let outsiders own more.

In fact, the Government of Japan threw all foreign producers out of their country in 1937 to protect the market and develop its fledgling industry.

And the Government kept them out after the war until the industry was developed. They began allowing minority holdings in recent years. They still allow virtually no imports. And things are still tight. For example, there still would be no hope for anything like the GM-Toyota venture to be established in Japan to do business in Japan.

But there is no impediment here, and in those three arrangements we have 500,000 automobiles and the potential loss of 550,000 jobs.

According to projections of U.S. automakers the major employment losses will range from a high of 181,000 in Michigan to lows of 5,000 in Maryland and Alabama.

At Fisher in West Mifflin, Pa., they stamp body parts for most makes of GM automobiles. The 1,770 blue- and white-collar workers there will be affected to the extent that their Chevette production ends and nothing else takes up the slack.

Meanwhile, in steel, continuation of the agreement as it exists now will mean a rise in automotive use from last year's low of 16.2 million tons to a 1985–86 high of 21 million tons.

This 5 million tons of steel represents about 25,000 steelworkers jobs, and they are worth fighting for.

Meanwhile, I read there is strong sentiment among the unconnected Japanese automakers against having these 500,000 automobiles count against the total allowed under the voluntary agreement.

The agreement was made to give U.S. automakers a chance to steady up their operations and to make some very necessary profit in a recovering market.

After all, they need to make about $80 billion in investment. And investment capital in the United States—if not Japan—still demands a high return.

But that recovering market that was supposed to help them was stillborn.

Now it is developing, and it is a virtual certainty that a 30-percent increase would flatten it. And in that event, the same thing would happen to U.S. automakers, who have been doing what they promised to do.

It is a good idea not to change this arrangement until some other things change.

Change is needed in the enduring, chronic weakness of the yen against the dollar, where a $750 cost advantage per car is to be found.

Change is needed in the Japanese practice of forgiving taxes equal to 22.5 percent of the value of a car on export. It is a subsidy.

And this Congress needs to look with a cold and practical eye at the ways their Government applies and directs capital; and at what that means to pricing and market penetration.

After these things are done, maybe we can talk about modifying the agreement.

In steel, in automobiles, in everything we make or used to make, this is the only country that formally grants a share of the market to foreign countries.

In other countries, foreigners live on sufferance. Here they live on more than 20 percent of the market. We make market share virtually a property right, and they view it as an entitlement.

And this too should change.

But all we can do right now is to consider Mr. HILLIS' excellent resolution and to think once again of the coming $100 billion trade deficit.

A $100 billion merchandise trade deficit is an awesome thing. It means millions of jobs and $40 billion in new budget deficit due to lost taxes and increased benefit payments.

It also means a stalling economy.

Economist C. Fred Bergsten, a former Treasury official, stared at this monster for Dun's Business Monthly and saw that serious result.

Mr. Bergsten, now director of the Institute for International Economics, said this:

> An increasing trade deficit is an enormous reduction in GNP. When the trade deficit swings from $30 to $100 billion it takes 2 percent off GNP.

Furthermore, Mr. Bergsten estimated that the deficit will translate into as many as 3 million more unemployed.

Yet another 500,000 automobiles would increase the $100 billion foreign trade deficit by 3 percent. And it

would add another $1.25 billion to our budget deficit.

This House passed a trade adjustment assistance bill just a couple of weeks ago. Just days ago we passed a jobs bill.

What sense does it make for the Government now to create 550,000 more unemployed to put the seal of harmony on a visit?

Furthermore, the massive import arrangements will be imitated if they are successful. Other American producers say they will be forced to make offshore arrangements just to stay in the competition.

I have seen no projections on the flight of jobs that will take place in this event. But I know it will be substantial.

Mr. Speaker, the House should embrace this resolution and move as quickly as possible to express our sentiment before the administration agrees to something with which no one can live.

I yield now to those of my colleagues who want to speak.

Mr. Speaker, the Japan Development Bank and the Ministry of International Trade and Industry recently announced a new policy that forecasts volumes about the kind of competition American workers face for the remainder of the century.

The policy is simple and potentially powerful.

The Ministry (MITI) and the bank (JDB) have plans to make available up to $42.5 million a year in Government venture capital for risky enterprises.

These are things the existing system will not handle.

The money is to be made available at 4.5 percent. The proposed payback period is 10 years. The money is to go to emerging high-technology industries and to high-technology applications in existing industries.

The idea is to put chosen applications into commercial production and use; that is, to prove them out and move them out.

The possessors of less risky, already proved techniques must do business with MITI and the JDB at the standard development rates of 7.3 to 7.8 percent. The JDB's standard business loan rate shoots all the way up to 8.4 percent.

MITI and the JDB listed 10 possible projects for the first loans when the program begins next April.

One of the 10 seems to be definitely steel technology and two others may have applications in steel technology. The remainder deal with nuclear power, ceramics, insecticides, fibers, and biotechnology.

As far as I can tell, this policy received notice in this country only in the July 19 English-language edition of the Japan Economic Journal. The facts I have cited come from the Journal's six-paragraph story.

Yet this could be as important as anything that has unbalanced the Japan-United States relationship thus far.

Venture capital is the vanguard in the advance of industry and technology.

Some who are familiar with Japanese customs and the culture have given me a cautionary note on this policy announcement. They say it could be only a trial balloon.

Well, trial balloons are there to be shot at; and this development—whether balloon or emerging hard policy—deserves a full barrage.

And it certainly warrants as full a review as possible of overseas capital policies.

By the way, I will speak in detail on the peculiarities of Japanese capital; and I do not speak in such detail to be critical of the Japanese. They are merely engaged in forging sharper and more effective instruments to carve out their security, stability, and growth.

Furthermore, the Japanese are not alone in finding more forceful ways to apply a new kind of capital, as I will explain later.

If there is criticism involved, it should be directed at the last 10 Congresses of the United States and at the last six administrations. All of these Congresses and all of these administrations have persisted in pretending that nothing of this nature makes any difference in what happens to the American worker or to a balance of trade that is bleeding industrial America dry.

It does make a difference.

And the first difference it makes is that it pits individual American workers against the deep pockets of foreign governments.

Furthermore, this new development says the pockets are going to get deeper and the competition is going to get more intense. It is a competition our people are losing because of the pretensions of the last 10 Congresses and the last six administrations.

Industries, particularly steel, that have been the foundation of this Nation are capital starved. They cannot earn or attract the kind of money they need to modernize.

This lack of high steel profit is not unique to the United States. Where you find strong and aggressive steel industries in the world you do not find private investment; you find government-granted or government-directed investment.

Our economists tend to look on steel as old and expendable. Theirs tend to look on them as rice industry that feeds other things and makes them grow strong. They do everything they can to keep their steel healthy.

This is only one of the differences.

Nevertheless, if you are going to talk about investment you have to think about money. Considering this, I decided to rummage in some reference works to refresh my memory on the nature of money and capital investment.

First I found a thinker who knew in 250 B.C.—as the Japanese and others around the world know how—that, "Money is the sinew of success in business."

Then I came across the Spanish genius, Cervantes, who noted, "The best foundation in the world is money."

Bad money, we know as a generally accepted rule, drives out good.

And, "All things obey money," according to the 16th century scholar, Erasmus. I suspect this is true for a critical period of time whether it is bad money or good.

Then I went to the original gospel on capital, and there I learned from Adam Smith's "Wealth of Nations" that a manufacturer's capital expected in return "something more than was sufficient to replace his stock to him"; and that those investing capital should have had "no interest to employ a great stock * * * unless his profits were to bear some proportion to the extent of his stock."

Furthermore, the greatest profit should draw the greatest stock;

And the higher the risk the greater the reward.

These are concepts our system reveres still; in fact, they are nothing less than commandments from the mount.

I understand that venture capital in the United States today is expected to return up to 20 percent, or more; the rate depends on the risk.

Clearly, the capital that MITI and the JDB are amassing and redistributing is not the capital Adam Smith identified and left for this age to deify.

Smith's capital was old testament; even today it remains demanding and jealous and fickle.

This MITI-JDB capital is tolerant and understanding.

Smith's capital was wide awake for new liaisons and impatient with old ones; and it is even more impatient today.

But this MITI-JDB capital will be almost hibernating at 4.5 percent. It is very patient capital.

I do not think it is patient by its intrinsic nature; it is patient by Government policy; it is gathered by Government policy; and it is given out by Government policy.

This patient capital policy (PCP), like the drug of the same name, can pump up the strength of the user to levels normal beings and enterprises will never realize.

Furthermore, PCP is part of Japan's industrial policy, and the pronunciation I suggest for this acronym of JIP is GYP.

Excuse the frivolity, Mr. Speaker, I could not resist. I meant no criticism of Japan in this either. Almost every nation we do business with has an industrial policy.

Why, we may even have one. The distinction is that ours, if there is enough coherence in it to be called policy, and theirs have different goals.

Our policy is geared to grimy things like maintaining a military establishment strong enough and versatile enough to defend Asia and Europe. The commercial and industrial benefits that may accrue are incidental. Their policies are geared to more politically useful things like productivity improvement and market penetration and full employment.

Therefore, it seems to me that an important question is, how did our partners domesticate this willful thing called capital? What did the Japanese do to temper its hunger and make it patient?

Once again, it looks like a matter of policy, which a lot of people with important titles and jobs with noble foundations are saying they really do not have any more.

One particularly expert expert who is not saying that is Dr. Chalmers Johnson of the University of California at Berkeley. Dr. Johnson has a highly commendable tendency to peer beneath the surface, and to probe.

So I want to offer this body a conclusion reached by Dr. Johnson recently in an analytical piece he wrote for a leading financial journal.

"There is something peculiar going on in the popular English-language press about Japanese industrial policy," he said.

"A passionate interest has developed in showing that Japan does not have an industrial policy," he went on.

"Or, if it does have one, MITI does not have much to do with it;

"Or that * * * if Japan does * * * and if MITI runs it, Japan's economic performance has been achieved in spite * * * of it."

Dr. Johnson cites an impressive number of examples, including articles by an economist for the President's Council of Economic Advisors and the Heritage Foundation.

"What is being ignored," Dr. Johnson points out, "is that Japanese capitalism has an entirely different structure from that in the United States."

And, I suggest, Mr. Speaker, that it has entirely different purposes and expectations than American capitalism. It is a powerful part of their policy.

Dr. Johnson goes on to say that, "Japanese managers do not need to pay as much attention to * * * the Tokyo Stock Exchange as their American counterparts do (to the New York Exchange) because of the central role of administered interest rates."

Let me interject here that the bulk of Japan's business and industrial expansion is done through loans; they do not use stock issues or other things we rely on here. About 85 percent of the financing of their juggernaut steel industry has been through loans. It was and is the "rice industry"—the sustainer.

Futhermore, I suggest that in the world today 4.5 percent is administered, and closely so. So is 7.8 percent for other development loans. So is the standard 8.7-percent loan rate.

In addition, a JDB loan amounts to a signal to everybody else with money.

It signals a need to join in to the city banks, to the banks' related trust banks, to their related life insurance companies, to their related marine and fire insurance companies, and to their related trading companies; and it is a signal for other government long-term credit banks to get aboard.

It is more like a vacuum than a beacon.

In addition, the preliminary findings of a case study that I have requested suggest that these loans—once signaled—will come in at rates that can be as low as 2.25 percent.

The chief object of this kind of capital cannot be profit; neither can it be impressing market analysts or satisfying the demands of a jealous and fickle market.

The object has to be the strength of the group, present strength and future strength.

As Dr. Johnson explained in his excellent book, "MITI and the Japanese Miracle," a group of enterprises borrows well beyond capacity to repay * * * beyond net worth * * * the bank overborrows from the Bank of Japan * * * the central bank is the ultimate guarantor * * *."

I ask you, how long would a Federal bank examiner put up with something remotely similar in the United States?

But Dr. Johnson had more to say. This, he went on, allows Japanese enterprises to "ignore short-term profitability * * * to concentrate on market penetration, quality control and long-term product development."

He calls it a "two-tiered structure of government guaranteed city bank overborrowing and government banks of last resort."

To my less-tutored mind it looks like an economywide version of a Chrysler loan guarantee with some variations; the terms are kinder and the capital is more patient; and the borrower need not be near death.

So 4.5 percent venture capital from the JDB and MITI is important. It says their policy still is in place and is pushing both old and new industries toward the future.

But, once again, this is not to single out the Japanese.

Similar systems flourish throughout developing Asia. There they have given the nickname of "tiger cubs" to those who are taking the same path to economic strength and stability. These "tiger cubs" may not be as far advanced in domesticating their capital, but they are effective nevertheless.

Dr. Johnson commented on some of these systems in a recent scholarly paper.

"One enduring (common) characteristic * * *," he said, "Is reliance on financial and monetary means to guide and control private activities.

"These * * * measures are often unorthodox by Anglo-American standards, particularly in their emphasis on the supply of capital through the banking system."

And I ask this House to remember, this system allows them to concentrate on market-penetration, quality control, and long-term product development; and it lets them thumb their noses at profit demands when necessary.

I think another benefit must be added to the list. It also gives them the means of maintaining and increasing whatever lead they have in productivity with a continuing modernization.

They can do big things like build a new steel mill.

Or they can do smaller things, like put $5.1 million in venture capital into wringing the last Btu of energy efficiency out of an improved continuous walking beam heating furnace. And if it works out, it can be spread throughout the steel industry. Such a furnace is marked down for one of the 4.5-percent loans.

In addition, I understand there are things such as government research and development loans; and that the tendency is to forgive these loans if the R&D does not pan out.

Let me emphasize that we are not talking about isolated instances of help. This is their system. It goes for everything they do whether smokestack or high tech or almost anything in between.

Certainly capital at 4.5 percent is very efficient if your goal is strength and not profit.

As Dr. Johnson said:

> The issue of national mobilization for economic goals is an important challenge to economic theories.

Mr. Speaker, one theory it tends to shake badly is the idea of comparative advantage in the classic sense; in the sense it is understood here.

Since we got comparative advantage from 18th century English economists, I will borrow and modify a phrase from a 19th century English writer to describe what is going on in the last half of the 20th century.

In the economics of today, it is them that make the advantage that get the advantage in this world.

There is advantage in patient capital. So it is reasonable to explore how the pace-setting Japan Development

Bank gathers its capital for lending at 4.5 percent, at 7.8 percent, and at 8.7 percent.

The government's capital pool is something called the fiscal investment and loan program (FILP).

Money is fed into it from tax revenue and government bonds; from special welfare pension accounts; from a national pensions account; and the sale of other government-guaranteed bonds and borrowings; and from the postal life insurance and annuities special account.

But the biggest individual feeder to the FILP is the government's Postal Service Savings System.

The postal savings system is an efficient tap for the biggest body of money in any country: the savings of the people. It is about the only place they have to save in Japan. They have incentives. First, they do not have much of a social safety net system. And second, their accounts are exempt from taxes up to a certain amount. The interest is by law the highest available to individuals.

And the people respond. Total deposits in the Postal Savings System were $359 billion as of February 1982. And this is almost four times the deposits of the world's largest commercial bank.

Anyway, money feeds into the FILP from all of these sources and the FILP pumps it back out for use.

According to the charts I have seen, the Japan Development Bank receives from FILP each year an amount that is equal to the contributions of the Postal Service Savings System to FILP plus a little more.

So JDB directs the savings of the people. It directs them into low-interest industrial loans and, according to my chart, into equity investments as well.

Truly, it is no capital as we know it. Nor, with equity investment, is it banking as we permit it.

The capital is patient. The capital is docile. The capital is effective. And the government is understanding.

Where we try to limit strength, they build it. Where we try to prohibit concentrations of power, they invite it.

But this is more a criticism of Americans who will not look at the world than it is of the Japanese who must live in it.

And, as I said, the Japanese merely have the most developed technology in this field; everybody is working on something.

There is Korea, for example. For a quick look at Korea I will paraphrase a paper titled "Korea's Economy." It is published by the Korea Economic Institute.

In Korea, the government wanted rapid industrial growth. So it set up its own steel industry and other industries in areas where the private sector was reluctant to venture. The cause of the reluctance: little potential for returns on capital.

Government-controlled banks financed most of the growth, and much of the credit was lower than market rates. This was particularly true in the early years. This was accompanied by export target programs.

There also is a Korean Development Bank (KDB). It is financed by the Government of Korea and by international development banks, for which this Congress supplies funds. About 90 percent of all KDB loans are for capital equipment in industries that will create increased exports, according to the book, "Eastasia Edge."

Meantime, the Bank of Korea had $4 billion on loans to commercial banks in 1 recent year, and 54 percent of it was for the finance of exports.

Guess who takes most of Korea's exports. In steel, in 1978, the United States accepted more than 50 percent of the steel exported by this ally and trading partner.

Information is somewhat scarcer on Taiwan, but the book, "Eastasia Edge," offers some insight.

Taiwan's Bank of China has a key role. The government manages the economy through the bank, and the bank manages everything having to do with money, including foreign exchange.

The bank's chairman has another role; he also is Chairman of the Government's Council for Economic Planning and Development. The Council decides things like whether to add to new China steel's capacity. The Government owns the steel company.

So it might be hard for an outsider to determine who manages who.

Nevertheless, Taiwan is one of the countries where business gets capital from the banks; and, in addition, the small equity market they have is closed to outsiders.

Public corporations—that means Government-owned—are the foundation of Taiwan. The state controls steel, aluminum, shipbuilding, petroleum, railways, and electric power, for example.

Dr. Johnson considered many of these things in his paper. He looked at a couple of the "tiger cubs." He looked at Miti and the JDB.

He concluded that industrial policy is not being abandoned.

In my mind, the 4.5-percent venture capital idea underlines this conclusion; it also highlights it and sets it in boldface italic type for all to see clearly.

The idea is understanding of basic industries and of new industry. It creates; it modernizes; it keeps sharp the edge.

And, to encroach on Dr. Johnson's next conclusion, this PCP (patient capital policy) is one of Japan's most important institutional and industrial innovations. Like all originals, it is being copied widely.

Things are somewhat different in Europe; at least in steel they are. The Europeans are behind the times not only in steel technology but in the technology of capital. There they simply own or subsidize. The governments of Europe have subsidized to the tune of about $30 billion for steel since 1975. Just this year they have announced in the neighborhood of $5 billion more in subsidies to rationalize; but the year is not over yet and it may go higher.

This, Mr. Speaker, is what the American worker faces.

They are faced with it in the old industries and in the new ones that we all pray will develop.

Whatever it is, it is not "Adam Smith Capitalism."

However, it does supply huge amounts of capital.

Whatever it is, it is not free enterprise.

Nevertheless, it is enterprising.

And It may not be government money in the strictest sense of not being directly appropriated.

But the invisible hand and the discerning judgment of the market did not guide this capital into the investments where it now resides so patiently; the heavy hand of government did it. It is doing it as we meet today and it will continue to do it.

So, no matter how clever and sensitive is overseas management, remember this: They do not have market analysts and a herd of investors looking over their shoulders demanding to know why profits are not higher.

No matter how quick they are to jump on innovations in management and technology, remember this: Whatever they do they can do at rates of 2.25 percent or 4.5 percent or 7.8 percent.

Ready money can make even dull managers look good, I suspect.

And no matter what you read about the Asian work ethic and the devotion of overseas workers to their companies, remember this: Their miracles of production are done with machines put there at the lowest possible cost by their government.

Remember that their money is gathered in by the government and added to by the government to get them the best tools available at the lowest cost.

So, whatever the advantage in management,

Whatever the advantage in labor costs and docility,

The biggest and most important advantage is having patient capital.

In business, productivity does obey money, and the most money gets the best results.

Bad capital drives out good capital; and patient capital cuts off jealous capital at the knees.

Furthermore, it is true that those who make and take advantage have advantage.

I am not suggesting that the United States copy Japan or any of the "tiger cubs" or even the Europeans in its approach to basic industries.

The Japanese have paid a high price for their progress. I suspect the reason they are so obdurate in trade matters is that they are afraid the whole overleveraged castle may fall out of the sky if they do not keep going.

But American workers and American industry are paying an even higher price for the success of patient capital. Their system is collapsing on them.

And they will pay it into the next generation and the one after that unless something changes.

As another 19th-century Englishman, Lord Byron, said, "There are two pleasures for our choosing; the one is winning and the other losing."

American workers have been winners and they will be winners if they get the right tools to complete—to compete with the foreign governments that are trampling them.

It is time for this Congress to quit trying to pretend these things make no difference.

It is time to start thinking about how to win this thing.

□ 1800

Mr. HILLIS. I thank the gentleman for yielding.

I certainly am happy to be a part of this special order with him. I want to begin by complimenting him on the statement he has just made. I think he has summarized the problem that faces American industry, and particularly the steel industry and the automobile industry, just right.

We have had 3 long years of depression in steel and automobiles, and in the automobile industry alone it has put 260,000 auto workers out on the street and resulted in losses of more than $4 billion for the domestic auto companies in 1980 alone.

Our best guess now is that the total industry demand for 1983 and 1984 together will average about 10 million cars. And this, ironically, is just about the level that was expected in 1981 when the 1,680,000 limit was first set. The point there is that when that figure was not reached and fell so far below, the Japanese industry got actually a windfall of 800,000 cars over the percentage of the market that was anticipated that they would have when the 1,680,000 limit was first set.

My colleague has talked about the effect of the trade deficit and the effect on our jobs, and I agree with him very, very completely on this.

Over the past 5 years we have amassed as a country a $150 billion deficit in trade with the rest of the world while Japan has accumulated a trade surplus of $67 billion including $64 billion in trade with the United States and more than 80 percent of that trade imbalance with Japan, $54 billion, is in automobile products.

Now, there is a very clear fact here. Every Japanese car that comes into this country comes in with Japanese steel, Japanese rubber, Japanese glass, and every other component that goes into the manufacture of the car. There is no question that Japan has had a hothouse environment to foster its automobile industry. And partly from the fostering, partly from some labor rate differentials, partly from preartificial advantages of tax and currency systems, the Japanese industry on the bottom line has had a very substantial cost advantage.

In the face of unexpectedly low industry demand the U.S. automobile industry has kept its commitment to improve its competitiveness and during the years 1981 and 1982 the domestic auto producers of this country spent $22 billion on products and facilities and introduced 31 new vehicles, notwithstanding a total cash outflow from operations of more than $6 billion during that period.

As to present conditions, the imbalance between the yen and the dollar accounts for some $750 of overall Japanese cost advantage. One domestic company, Ford, has testified that its gains in narrowing the Japanese advantage by reducing costs and improving efficiency have been completely offset by the worsening misalinement of the dollar and the yen. And it is a situation we cannot cope with. We can talk about free trade and fair trade but as long as this artificial difference between the dollar and the yen exists there can be no fair trade.

While I could go on and on here tonight, the hour is late, I am very happy to be a sponsor of this resolution. I want to thank the gentleman from Pennsylvania, my colleague, Mr. GAYDOS, for joining with me as a cosponsor and taking this special order together, because I think the two industries, steel and automobiles, go shoulder-to-shoulder, wheel-to-wheel. Without one the other cannot survive and vice versa. And without both America cannot remain a free and strong country. And what we are seeing here is if it continues on, we are not going to see the production particularly of small automobiles remain in this country.

The transaction that my colleague has related to in California with the General Motors-Japanese Toyota will mean eventually I think some sort of other combination with the other manufacturers and probably eventually a complete offshore production of the small cars we know today. And this will lead again to another erosion of jobs, demand for steel, rubber, and everything else that goes into the car.

So, it is time that we act. As I say, the 1,600,000 figure was set based on a market projection that will hold true probably for next year and the year after. It is fair, it was negotiated to be fair on those numbers, and it will be fair to our competition from abroad. In fact, it will be overly fair.

You know, about 90 percent of the other countries in the world have some sort of an arrangement to keep their market from being flooded from abroad. And basically, it is imposed against Japan, negotiated automobile restraints with Japan. We are the only major country that has not done this.

□ 1810

I think in view of present circumstances we have no other choice but to move. If we do not do this, I think in time we will be forced to take a much more strenuous, a much more serious approach, and not only in this industry but perhaps in others and move into a position where we can have a free trade, because we have suffered from unfair trade for much too long.

So again I want to thank my colleagues for sharing this time with me, for his strong support of the auto restraint resolution, and together with the Auto Caucus and the Steel Caucus I am sure we will go forward to see a prompt resolve of this resolution before this House.

I thank the gentleman for yielding.

Mr. GAYDOS. I want to commend my colleague from Indiana (Mr. HILLIS) and I say this most sincerely. Because of the busy scheduling around the House it takes great effort and concentration, dedication to continue to study, to present, to make arguments and to pursue an active participation in this very sensitive field. Most Members find it difficult to adjust themselves to the very difficult interpretation of trade and trade issues.

It is a complicated matter. It is not the most pleasant matter to study, to read or to address. It is a matter that probably is most unrewarding in a way because it is intrinsically boring.

But it is so important. It is so basically and fundamentally important to the well-being of the Nation that it is unfortunate that it has that nature.

But I think my colleague makes an excellent point when he talks about other countries doing certain things, about keeping their markets free, or at least reasonably free from unreasonable foreign imports.

Japan is the greatest perpetrator of just that philosophy. Our Special Trade Ambassador, Mr. Brock, just went to Japan and used some rather strong language, I understand, recently when he went to the Japanese and said "You are going to have to change your present attitude. You promised in interpreting GATT, the General

Agreement on Tariff and Trade, you promised us at those conferences that what you were going to do was that you were going to allow the Americans to bid on a lot of your telephonic and electronic needs in the country through your domestic markets, which you have been keeping American competitors out over the years." They have done this. In fact, for 35 years, since the war, and always have promised that they are going to let them in, and they are keeping them out and doing it in counterdistinction to the specific requirements of the international trade arrangement, both the act of 1972, the act of 1974, and the 1979 Trade Act, and in the consequential international conferences.

He said this in a formal manner to the Japanese on a formal, official visit, and yet the Japanese have been persistently promising and have promised that they will open their markets. They are going to open their markets and they always have pleaded that our industry is in its infancy and we cannot open it, we have to get a start. But this has been occurring for 35 years.

In the meantime, we look like Uncle Sucker. They have unbridled, uninhibited access to our markets, yet on the other hand, even to abide by the international trade arrangement and agreements that were negotiated, they refused to do it and refused to do it with impugnity. They are not embarrassed when they do it and they continually keep out of their country foreign products, because their list is very long. But they still have this specialized list of 100, of 100 items that today are exclusively and as a matter of record not permitted to be imported into Japan from any country.

So when you take a look at that you start wondering who is doing what where, whose interests are being benefited, and you question the overall integrity of international policy in this area.

Mr. HILLIS. Will the gentleman yield on that point?

Mr. GAYDOS. I yield to the gentleman.

Mr. HILLIS. Certainly I agree with everything the gentleman is saying.

I would like to point out, of course, the Japanese now are trying to get up to 250,000 more units. That represents in our economy, if those were American units, one complete assembly plant. That carries with it all of the engine, the transmission, the steel, the rubber, and those equate to 50,000 American jobs. That is what we are talking about.

Last year's merchandise trade deficit, I am informed, of $36 billion cost our economy 900,000 jobs. That cost the U.S. Government $9 billion in lost tax revenues and an additional $4 billion in unemployment and welfare payments.

That 250,000 units, if they were our units rather than Japanese, would increase by $1½ billion our trade deficit. It would lower the cost to the U.S. Government, to local governments of the increase in employment cost, and it would mean more taxes, both Federal, State, and local.

So however we gage this, whether we want to talk in generalities of fair trade, it is really a pocketbook issue. It is something that affects very much the size of the deficit in this country, which affects the interest rates and the state of the economy and the recovery. It affects local business, local government, State government all up and down the line, and it is much to all of our interests. It is not just a Midwest issue or a Mideast, or Northeast issue, but from an employment standpoint and a tax standpoint, it is a total national issue, and every Member of the House would have a great interest to support this resolution.

Mr. GAYDOS. I think my colleague makes such a viable point, because again you take an automobile company and an automobile coming into this country. Forget about the numbers, but you have to look at the animal. You have to look at the rubber involved, the tires. You have to look at the little, small labor and the materials that go into making the cigarette lighter, the little knobs on the radio, the electronics and every item, every screw and nut and fastener, the headliner in the automobile.

It just seems this comes in an imperceptible form because it is all consolidated and people do not understand. Maybe our colleagues and the American public, if they would just stop and analyze what is that automobile made up of, what is coming in and what is affected, would understand. I can go into a million different descriptive items. Then maybe we would get the support throughout the Nation publicly for what we are trying to do to put some reasonable limitations, and maybe our colleagues in the House would be more sensitive to the problems as we have grown to know them.

There is no question about it. I can take one item, I can take a million items, but just one example. We had 15,000 to 18,000 people employed directly in women's costume jewelry in this country. Now we have none, none. We do not make costume jewelry in this country anymore. We import it all. It is 18,000 to 20,000 jobs, I think are the accurate figures, and all of the material again that is involved.

So you can take that and enlarge upon that with lightbulbs, or with Christmas ornaments and everything that used to go into the conglomeration of making jobs for this country, giving people the sinew to buy things with. We are talking about money, to have a job to earn money to buy things. All of those things are going down the drain.

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

Mr. GAYDOS. I yield to my good colleague and dedicated officer of the Steel Caucus and from the great State of Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, the gentleman from Pennsylvania is doing a great service to this body and to the Nation to focus attention on the problem of the trade deficit.

A recent issue of Business Week, August 29, 1983, had an article entitled "America's Hidden Problem." In this article they termed the trade deficit as having the potential to be "the economic disaster of the decade."

I think that is putting it mildly. As we look down the road, concern about the trade deficit is very real.

We are faced with a $200 billion budget which tends to obscure a deficit that is equally threatening to the economic well-being of the people of this Nation, and that is the trade deficit. The two are really interrelated. We have to deal with one to deal with the other.

Historically, Americans have taken our supremacy on international trade for granted. As recently as 1970 few Americans cared about trade. For the first time in 100 years, as a result of record high trade deficits, trade is becoming a major issue.

Given the huge domestic market, and an abundance of inexpensive natural resources this carefree attitude is understandable. And in fact between 1870 and 1970 the United States almost always exported more than it imported.

This began changing in the 1970's. This year the U.S. merchandise trade deficit is expected to reach $70 billion and $100 billion in 1984. The trade deficit is expected to reach $174 billion by 1990.

What does all this mean and why and how did it happen?

I was particularly disturbed by the comments of the Chairman of the International Trade Commission, Alfred Eckes in a recent speech. He referred to disconcerting trends in the changing composition of U.S. trade. "We are exporting more and more primary products and importing more and more manufactured goods. This, incidentally, is the traditional definition of a less developed country. Some might describe the emerging relationship as reminiscent of the colonial trade pattern this country had with Great Britain in the 18th century," Eckes said.

He used the example of American trade with Japan in 1982 where the U.S. leading exports were corn, soybeans, wheat, cotton, and coal and its five leading imports were autos,

trucks, video recorders, oil well casings, and motorcycles.

Eckes' remarks are frightening and well they should be for they say clearly what we have avoided facing up to for nearly a decade. We as a country are rapidly losing our competitive edge in world markets.

In fact, we may never have had that edge because we were able to rely on an ever-expanding domestic market. But as our market began to be invaded by imports, domestic manufacturers were forced themselves to seek footholds in foreign markets. Their lack of success, in comparison to foreign penetration of our market is due to a number of factors including shortsighted policies of both labor and management, increased foreign government intervention in markets and our own Government's policies.

Part of the reason there is a severe trade deficit is, of course, the dollar/yen relationship, the dollar/mark, the dollar/pound relationships and the strong dollar. This is a result of high interest rates which result from huge budget deficits.

Since 1960 imports have more than doubled as a percentage of domestic consumption, from 5.8 to 12.5 percent in the first half of this year, according to the Commerce Department.

The recent surge in imports was expected as the recovery gained momentum and Americans' purchasing power increased. In addition, the swollen dollar makes imports less expensive here and American products more costly overseas.

A recent study by the Institute for International Economics found the dollar was overvalued by 24 percent when measured against other nations' currencies and compared with the relative purchasing power of the different countries' money.

The same study showed the Japanese yen undervalued by 6 percent and the German deutschemark undervalued by 5 percent.

So in many ways, the budget deficit and the trade deficit are interrelated and both are prescriptions for disaster for this Nation unless we address those problems.

□ 1820

Mr. Speaker, the gentleman from Pennsylvania (Mr. GAYDOS) clearly pointed out, the serious threat to the United States of the loss of productive capacity. We have seen it happen in steel, very graphically. We have seen it happening in automobiles and in a lot of not so visible area. It is nuts, bolts, screws, fasteners, and a whole host of products that historically were made in the United States, components of the manufacturing process.

Because of this imbalance of payments resulting from the strong dollar, we have lesser and lesser ability to produce in this country.

Between the 1960's and 1970's, productivity growth in the United States dropped sharply increasing U.S. unit labor costs faster than in any other major industrialized country except Great Britain.

I think it carries with it another threat that we should carefully consider. That is the threat to the national security of the United States.

In World War II, the ability of the United States to produce, the capacity to make bombers at Willow Run, the capacity to produce ships by the dozens in the shipyards of America were the key, essentially, to protecting the free world, to maintaining the liberty and freedom of many people throughout the world.

If we lose that ability to produce—and that can be the result of continuing trade deficits which erode our industrial capacity—we have a serious problem in terms of national security.

I think another threat that results from this is the fact that it feeds on itself. When product is sold, be it a tractor, be it a bulldozer, be it a hospital system, whatever; when it is exported, sold into the world market, the United States has the aftermarket. When you need new tracks on the bulldozer, they would come from the United States. If you need a new engine, it comes from the United States. All that replacement market was fed by the strong export position of our country and the ability of American products to be the leader throughout the world.

The sad part of the trade imbalance and the result of a strong dollar, which is in part the result of a large budget deficit, is the fact that we are going to lose that aftermarket. As products are sold from other nations, in turn the replacement parts and the jobs that go with them will flow to other nations.

So I think there are a lot of things that we have to consider in this entire problem. Of course the most serious impact is on the employment of Americans.

Trade means jobs. The Commerce Department estimates that every billion dollars in exports equals 25,000 jobs. Translated, last year's $43 billion merchandise trade deficit cost the country at least 1 million jobs.

In a May study of jobs and trade the Commerce Department found that when manufacturing exports were growing, between 1977 and 1980, the growth accounted for 30 percent of the increase in private sector employment in the United States. Conversely, when exports fell off, between 1980 and 1982, that decrease was responsible for 40 percent of the rise in unemployment.

C. Fred Bergsten, head of the Institute for International Economics, looked ahead and projected that the predicted $100 billion trade deficit in 1984 could mean 2 million lost jobs.

If we ever had an even balance of payments, we would probably have an extra 2 million to 2½ million jobs in the United States. So as the merchandise account becomes more out of balance, we in turn lose more and more of the industrial opportunities for jobs in this Nation.

In many instances the United States has failed to adequately build and maintain market shares at home and abroad. European and Japanese competitors, conversely, preserve their foreign market shares at all costs.

Government policies must share in the blame. In large part I attribute this to the traditional practice of U.S. policymakers of responding to trade problems in an ad hoc manner. When domestic sugar growers were threatened, a quota was slapped on imported sugar. When the American automobile industry was severely depressed, voluntary import restraints were negotiated with Japan.

This ad hoc response is largely a result of no one single strong voice speaking for trade. The same ad hoc approach, which periodically results in temporary protectionism, also means that whenever a question arises that pits trade against other policy goals, trade comes up short.

For example, the trade weapon was used as an instrument of foreign policy in imposing a grain embargo on the Soviet Union to retaliate against that country's invasion of Afghanistan, leaving U.S. farmers devastated by the long-term loss of foreign market share. The curb dropped the U.S. share of the Soviet grain market from a preembargo peak of 74 percent to around 20 percent.

The reliability of U.S. suppliers was discredited by the attempt to undermine the Soviet gas pipeline by restricting exports of certain U.S. equipment and technology for the project.

Commerce Secretary Malcolm Baldrige even lays part of the blame for the auto industry's problems with the Government:

> I am sure you can fault past management, but part of the blame has got to be laid on the Government's doorstep. Three times, the U.S. automobile industry tried to come out with small cars, and every time, the government let out a signal that energy prices were going to be kept down, that gasoline was not going to be allowed to rise to its true market level.

The result, according to Baldrige, was that twice the U.S. auto industry was stuck with large unsold inventories of small cars.

This strategy of "free trade, but" will no longer work. As I pointed out earlier, the trade scene has shifted significantly in the last decade and we too must change our posture to meet the new challenges of world trade. To do so we must clarify our international

trade objectives and priorities and improve our trade policymaking.

In the Business Week article, Stuart Eizenstat, a former aide to Carter, pointed out what should have been, but clearly is not, obvious:

American companies cannot compete against foreign governments. The marketplace is not free with the governments of Britain, France, Germany, and Japan intervening heavily to aid their manufacturers.

The playing field must be leveled. The Government must move to help improve our trade posture and our position in an increasingly global marketplace.

I do not, however, necessarily advocate some of the "industrial policy" strategies that are currently in vogue. We should not abandon our free market philosophy which brought us to a position of industrial supremacy. The Government should not be in a position of picking winners and losers.

I think that we in the Congress have to address the budget deficit. I think it is essential that we do that. We have had special orders on that topic in previous evenings. I think it will require a bipartisan approach. I think that is a key element in addressing the trade deficit.

If we can do something about the budget deficit, I believe that we will see a resurgence of capital investment. We will see a balancing in the value of the U.S. dollars as it relates to other currencies, which will help our exports considerably and will diminish imports somewhat.

I think it is important that the international trade representative, Ambassador Brock, be very strong in the current rounds of negotiations in Tokyo in maintaining the quota for automobiles for the future year.

I think that is essential to give industry time to make the necessary adjustments to meet many of the requirements we have imposed, in this Chamber, which have made it difficult, in many respects, for them to compete.

I hope, too, that we will give consideration to the establishment of a Department of Trade within the Cabinet.

I strongly support the administration's efforts to create a Cabinet-level Department of Trade to consolidate trade policymaking functions, which are now scattered among a number of agencies.

This reorganization would enable us to fully develop our international trade opportunities and defend our international trading rights. For the first time, a single Cabinet Department would be responsible for both policymaking and policy implementation. It would enable development of a policy that emphasizes anticipation and coordinated action, rather than reaction and ad hoc trade restrictions.

It would also send a signal to our trading partners that we are serious about trade, serious about stopping unfair trading practices and serious about increasing our export market.

I think, as has been pointed out by previous speakers, so very eloquently, the issue of trade is one of the most important in terms of the future of this Nation, in terms of our economic health and in terms of providing employment opportunities for the young people of this country.

We cannot anticipate the kind of society in which we simply trade our services with each other. It would be a disaster for the defense of this Nation, for the security of this Nation if we let our productive capacity debilitate. It would be a threat to our economic base, it would be a threat to our social programs, to our educational system, all of the things that depend on tax revenues produced by the industrial economy of this Nation of ours.

So this problem of a trade deficit goes far beyond the issue of steel or autos; it goes to the very heart of our economic, social and political well-being.

Mr. Speaker, I commend the gentleman from Pennsylvania (Mr. GAYDOS) again, for taking the leadership in bringing this tremendously important issue to the attention of our colleagues and to the American public.

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

Mr. GAYDOS. Mr. Speaker, I thank my colleague (Mr. REGULA) for all of his past efforts with the steel caucus on this subject matter. He is always there present, ready to respond when we need his services and expertise in this field.

● Mr. MURTHA. Mr. Speaker, I join my colleagues today in expressing deep concern about the growing trade deficit problem and its impact on American industry. I believe this special order today is particularly timely insofar as our U.S. Trade Representative, Ambassador William Brock, together with his trade negotiators will shortly be paying a visit to our Japanese trading partners to discuss automobiles and other issues.

This past Thursday, the Congressional Automotive Caucus met with Mr. Philip Caldwell, the chairman of Ford Motor Co. I would like to share with my colleagues some of the concerns expressed by Mr. Caldwell with respect to the trade deficit issue.

Over the past 5 years, the United States has experienced a $150 billion trade deficit. During that same period, Japan had a $67 billion trade surplus. Of that amount, $64 billion existed with the United States. And of that amount, $50 billion constituted exports of automobiles to the United States. In other words, approximately one-half of our trade deficit problem over the past 5 years has been with Japanese automobiles.

Allow me to translate this in terms of the impact on the domestic steel industry. On average, for every automobile imported from Japan into the United States, approximately 1.13 tons enters the United States. Therefore, in addition to the 30-plus million tons of raw steel that was imported to this country over the past 5 years, approximately 5 million tons of steel came in the form of imported automobiles—16 percent more than the official figures indicated.

What we have here is an illusion that steel imports from Japan have been stabilized—the statistics show that Japan has sent an average of 6 million tons of steel per year to the United States for the past 5 years taking about 30 percent of the import market share. The truth is 7 million tons of steel a year have actually been entering this country as a result of the steel in automobile imports.

In terms of the impact on unemployment, this illusion fades away when you consider that approximately 25,000 jobs in the steel industry were lost due to steel entering this country in the form of automobiles over the past 5 years. Steel experts estimate that for every 1 million tons of imports, 5,000 steelworkers jobs are lost.

According to Mr. Caldwell, the most critical disadvantage that American automobile producers have with regard to achieving a full recovery is the misalinement of the dollar/yen relationship—specifically the yen is undervalued by approximately 25 percent with respect to the dollar thereby making U.S. exports unattractive in comparison to our trading partners imports. To better illustrate this with respect to automobiles, the dollar/yen misalinement alone constitutes a $750 per car artificial advantage. If you add this to approximately $600 per car in the form of their commodity tax rebate—a total of $1,250—one can account for well over half of the Japanese "cost advantage."

At this point, I would like to insert into the RECORD the comments of Mr. Caldwell for the benefit of my colleagues. Finally, I would like to express my support of the efforts of my colleagues on the automotive caucus in their attempt to assure that a fourth year of auto quotas is maintained at the 1.68 million level with no exemptions.

Until the issue of the dollar/yen relationship is resolved and the Japanese tax rebate system is eliminated, our Government must continue its efforts to preserve stability in the American marketplace.

REMARKS BY PHILIP CALDWELL, CONGRESSIONAL AUTO CAUCUS BREAKFAST, SEPTEMBER 29, 1983

Good morning. I'm delighted to have this opportunity to be here in an informal atmosphere, with congressmen who share the concerns of our industry and its employees.

Although this caucus and its predecessor—the House Auto Task Force—were formed during some of Detroit's darker hours, let me assure you that the need for such a group to focus on automotive concerns has not diminished with the industry's present resurgence.

Originally, I had planned to use this opportunity to focus almost entirely on long-range competitiveness—hoping to enlist your aid and counsel in getting some strategies out of the idea stage and into the action stage. That is still my goal today; but first, there are some pressing "current events" on the agenda. In the last several weeks, three issues have been receiving a great deal of both media and congressional attention—safety, fuel economy and Japanese export restraints.

Turning first to safety. At Ford, we're proud of our ongoing commitment to safety and our recent developments in safety technology:

We're the only bidder on a contract to supply the GSA with 5,000 driver-side air bag-equipped cars.

We have an on-the-road test fleet of cars equipped with new generation anti-lacerative windshields, which will also be installed on the GSA fleet.

Ford's 1983 and 1984 cars offer 5 mile an hour bumpers. These stronger bumpers, as well as other design and engineering features, have convinced one insurer to offer discount rates for two-thirds of our cars—by comparison, only one car from our five major Japanese competitors has earned a discount, and many are charged an extra premium.

Recent breakthroughs in microprocessor technologies and improved sensing systems will permit us to put new faster acting and more efficient anti-skid brakes on our 1985 luxury cars.

Over on the Senate side, the Commerce Committee recognized many of these technologies as having potential benefits. But they chose an unfortunate method of demonstrating this recognition—they want to mandate them. For a long-lead industry like ours, this approach leaves us no choice but to oppose the legislation vigorously because—among other reasons—the timing is impracticable. The judgments on the technologies are premature and legislating highly technical requirements so early may preclude development of the best approach.

We hope this is an idea whose time won't come. All of the safety technologies included in the Senate Commerce Committee bill are under development in the industry, and DOT has them under consideration and has the authority to accelerate this development and can regulate the timing and details of implementation, if needed.

My second "current event" is fuel economy.

At Ford we have improved our average fuel economy by more than 70 percent since 1975, and we're the only manufacturer with cars on all three of the EPA 1984 highest fuel economy lists—top ten overall, top ten gasoline and top ten domestic.

In real world driving, the 1984 Ford Escort and Mercury Lynx with their lively 2-liter diesels will give 1,000 miles of city driving for just over 24 gallons of fuel at a cost of about $29 at present prices. Most drivers will need to fill the tank only once a month.

Our full-size sedan for 1984 has better fuel economy than our smallest 1975 car.

Put another way, fuel economy improvements have more than offset real fuel price increases—the inflation-adjusted fuel cost to operate today's full-size car is 28 percent less than a comparable 1975 model. It's no wonder then that there has been some shift back toward larger cars. But it's not a return to the pre-OPEC way of living and driving. Large cars today only account for about 12.3 percent of new car sales.

Yet press reports have seemed to focus not on progress we've made, but on the fact that we will be short of CAFE standards. Ford expects to comply with the law by using flexibility provided in the law to apply credits from those years in which we exceed the standards. Let me assure you that the reason we're short of the standard is not a lack of technology or any diminished financial or engineering commitment to new fuel efficient products, but rather it is directly attributable to a change in what consumers are buying today.

As you know, you have provided NHTSA with administrative authority to make some adjustments; therefore, we have not urged any specific changes to the law at this time. Surely manufacturers—after all of our efforts and success in completely revamping the country's vehicle fleet—will not be unduly berated for something that is largely a matter of consumer preference.

The third of the three current issues is also the most critical to the recovery and competitiveness of the industry. We consider it imperative that Japanese auto restraints continue at the present level for at least the Japanese fiscal year beginning April 1, 1984. The September 15 letter to Ambassador Brock from your Caucus co-chairman couldn't have said it better:

It cited the handicaps of the current dollar/yen ratio and the beneficial commodity tax treatment granted Japanese manufacturers by their government as prohibiting the marketplace from correcting our automotive trade imbalance.

It called for an aggressive political response if we are to prevent further deterioration of our domestic automobile manufacturing industry.

It strongly recommended that Ambassador Brock insist that the Japanese agree to an extension of the current 1.68 million annual rate with no exceptions.

I urge you to keep the pressure on in case there is a tendency for backsliding. Your support is needed and timely; in the last few weeks it has become obvious that there are some in the Administration who would like to use the modest auto recovery as an excuse not to redress the obvious trading inequities under which we're operating.

As your letter to Ambassador Brock indicated, there's not much that auto manufacturers can do about the windfall advantage the Japanese get as a result of an out-of-joint exchange rate that reflects an undervalued yen and an overvalued dollar. That's the province of government. And so is the tax problem, which gives the Japanese an unfair advantage in this market and penalizes us in their market. Together, the dollar/yen misalignment and the tax inequity account for well over half of the Japanese "cost" advantage. This is a very serious problem for the domestic producers.

At Ford, we believe that the lion's share of the responsibility to be competitive belongs to us in the private sector and we're working hand in hand—management and labor—as hard as we know how:

When other industries were cutting back in recessionary times, we accelerated the pace of the product innovation, introducing 8 new cars and trucks in the brief span of 18 months—products which are leading the industry in quality, value, technology and fun.

Our quality has improved by more than 50 percent since 1980, and independent surveys show we are better than our U.S. competition and as good as, or better than, most of our foreign competition.

By reducing operating costs, raising productivity and moderating compensation, we have reduced our break-even point sharply, which is why we're in the black even with sales levels that aren't really worth celebrating yet.

But while we in industry pursue those product, quality, cost and productivity factors within our control, government has to make the same sort of progress in the areas only it can control. The long-term answer is to have a fully competitive auto industry in a competitive United States. The way to get there is to have a business environment and government policies that are competitive with those of our foreign rivals. I believe the top priorities for policy change are to correct distortions in exchange rates and inequities in tax treatment.

Although the dollar is overvalued against most major currencies, the greatest damage comes from the misalignment with respect to the yen. The misalignment is a problem for all industries competing with Japanese imports at home and abroad. The dollar/yen misalignment alone gives the Japanese an artificial advantage or subsidy of $750 a car. The first step toward resolving the problem is to get the Administration to pay attention—serious attention—to the impacts involved.

Loss of competitiveness in international trade reduces U.S. production and increases unemployment—both of which further increase the budget deficit. The $100 billion deficit in trade projected for 1984 means $25 billion in lost tax revenues and $15 billion in extra unemployment costs as 2½ million U.S. jobs disappear.

Your support of the "Williamsburg" yen resolution shows you understand the importance of this misalignment. I hope you will continue to urge U.S. policies to deal with this issue.

Further, the Japanese with their commodity tax, and most other industrial nations with their value-added taxes, have also discovered how to make their tax systems competitive in world trade. The United States has not.

Unlike the U.S., our major trading partners hold down their income and payroll taxes (which are themselves burdens on production costs) by imposing substantial sales taxes on consumption. Under GATT rules, these sales taxes may be rebated on exports and imposed on imports, whereas income and payroll taxes may not.

This really hits U.S. products and jobs where it hurts. U.S. cars shipped to Japan carry a full load of taxes when they leave our shores, and then Japan adds a sizeable commodity, or consumption-type tax when they get there.

Conversely, when a Japanese car is exported to the United States, Japan doesn't levy the consumption tax—which amounts to 17½ or 22½ percent—and there is no commensurate tax collected in this country. That's worth something like $600 a car to the Japanese. It's all legal under GATT regulations, but U.S. producers and their employees get hurt, and all taxpayers in the U.S. have to pay the bill.

These are the reasons—tax inequities and currency misalignment—that explain why the United States can't compete on equal terms against imports at home or in markets abroad.

I know there are some tax writing experts on the Caucus. It seems to me that short of recasting our entire tax system, the U.S. has to find a way to treat some of our taxes in a manner similar to Europe's and Japan's—that is, to reduce the burden on U.S. exports and to equalize the burden on goods imported into this country. The idea of a reciprocal tax came up in a House Banking Committee hearing on industrial policy—placing a U.S. tax on any imported goods that carry an unfair tax advantage. John Nevin of Firestone has offered another approach: adopt a federal excise tax and allow credit against excise tax liability for other U.S. taxes paid on domestic production.

Well, that's a pretty lengthy list of issues and I know you have other priorities, as we do. We still think, for example, that some of the Clean Air Act changes we supported make sense for the industry and consumers. Also, we understand that the House is waiting for the Senate to act on the issue of product liability reform, which is essential if this country is to provide a measure of certainty for the engineers and managers who make design decisions as to what they can expect to be held accountable for. When these issues get farther along I would like to meet with you again to discuss them.

We've seen examples of what can be done when government, industry and labor come together on critical issues in other countries and in other industries. By working together I am sure we can make progress here as well.

Now let me recap those items that I have mentioned today . . .

Continued Japanese auto restraint at present levels is top priority. This is the quickest, surest way to get U.S. auto workers back on the job and keep them there.

Action on yen and tax are critical if we're to get away from short-term remedies and have a competitive U.S. business environment. Perhaps you would consider establishing a working group to move these issues into the action phase.

We hope you'll help us get the message across about the progress being made in safety and fuel economy; surely we don't wish to revert to the adversarial way of addressing these mutual goals.

Clean Air Act revisions and product liability reform continue as issues of high importance to us and we hope that you will assist us when these items come before you.

One thing is clear: America is in a worldwide competitive race and running behind. It is up to all of us to do our part to put our country back in the running. We in the auto industry are glad to have you on our team.

One final note, we have our all-new Mark VII Outside . . . I hope you'll take the opportunity to take a quick look. It is the most technically advanced luxury car built in America. It literally rides on air.●

● Mrs. HALL of Indiana. Mr. Speaker, I join my colleagues to speak on the problems to the U.S. economy caused by our growing trade deficit. The trade deficit threatens to choke off our economic recovery before it has barely begun to gather momentum. This deficit is seriously effecting a wide variety of American industries—electronics, automobiles, textiles, footwear, and one of the areas with which I am most concerned—steel.

In 1982, my home State of Indiana, due in large part to the output within my district, became the leading steel-producing State in this Nation. At the same time, however, it must be noted that Indiana's steel production is now one-third less than it was 5 years ago. This dramatic decline in production has been felt in almost every aspect of life in my district. Northwest Indiana has seen its reliance on the metal industries result in the loss of one of every six jobs by the end of last year. Many of these layoffs in turn affected service industries which need steel workers' paychecks to survive. In total, approximately 30,000 steelworkers in northwest Indiana and South Chicago have lost their jobs.

There are several individual factors slowing our recovery, but undoubtedly one of the major causes is the unprecedented level of market penetration by imports. Last year nearly 22 percent of the U.S. steel market went to imports, as compared to 2.3 percent in the 1950's, 9.9 percent in the 1960's and 15 percent in the 1970's.

Most of us are aware of the various unfair trade practices used by some of our trading partners. We know of government subsidization in the range of 20 to 40 percent, dumping margins ranging from 20 to 30 percent, coordinated industry targeting, and abuses of exchange rates, just to mention a few inequities. Furthermore, some governments sanction the development of export cartels where exporters may enter into agreements on price, quantity, quality or any matter of common concern.

How have our trade laws become so lax as to permit such transgressions against U.S. producers? Part of the problem is that trade laws that are on the books have not always been promptly and fully enforced. But it also has become clear to many industries that existing U.S. trade laws are in need of improvement. The procedures for filing an unfair trade petition need to be further streamlined and strengthened. The petition process and the granting of relief must be made less complex, less expensive, and less arbitrary.

Under present laws, the preparation of a petition simply costs too much. A successful petition should not have to be a financially burdening endeavor. Many smaller companies, already suffering great losses due to unfairly traded imports, do not have the resources needed for gathering the data now necessary for a successful petition. One constructive measure would be to clarify that the evidentiary burden resides with the party which possesses the information necessary to prove or disprove allegations at issue, and reimburse successful petitioners for their case-related expenses.

In addition to being too costly, current laws are all too frequently administered in an arbitrary or unpredictable manner. Congress and the Commerce Department must work together to make our trade laws clear and identifiable. Whether it is the issue of what is the appropriate timeframe to look at, industry to examine, or whether the effects of a case should be judged singularly or cumulatively, more precise guidelines are needed.

More effective trade laws will not, of course, resolve all the problems now facing American industries, or even the steel industry alone. If the flood of imports continues, however, the steel industry will not be able to recover quickly enough and more plants will close, more Americans will become unemployed. If we cannot now adequately enforce our trade laws, then Congress must take responsibility to enact the laws necessary to remedy this growing problem.

I lend my full support to all actions and proposals which will work to correct the current trade imbalance.●

● Mr. JONES of North Carolina. Mr. Speaker, it is indeed sad that we must conduct a special order in order to draw attention to the trade deficit and its effect on our Nation's economic recovery.

The deficit, which is now estimated to range upward of $100 billion and which undoubtedly has eliminated millions of American jobs, is a continuing shame which also has a long-range effect on our national security. Others here today will, in great detail, explain how the deficit is affecting our steel industry. One of the significant factors in the steel industry downturn has been the continuing demise of our shipbuilding industry, a major consumer of steel and other metals.

Those of us who are concerned about the state of our merchant marine have observed with great alarm the export of tens of thousands of jobs resulting from the availability of low cost ships produced by nontraditional maritime nations. The result has been not only the loss of U.S. shipbuilding jobs and the multiplier effect of that formerly productive activity, but also the outflow of ownership interest in merchant shipping so that more U.S. owners now choose to register vessels under foreign flags than they do under the U.S. flag.

More and more, we have come to realize that the outflow of shipbuilding and other maritime enterprise is not attributable to low productivity in the United States. The rise in importance in other shipbuilding nations is a result of the trade policies of those countries which have provided subsidies and investment benefits of a magnitude which cannot be matched by the United States.

The contribution to the deficit by the demise of this maritime industry, while small in relation to the total, has an effect well beyond the immediate loss of revenues or loss of jobs. Our major concern now, as it has been for

the past three decades, is that the merchant marine so essential to our defense for sealift and other auxiliary purposes will be unavailable should an emergency arise. Shipbuilding capability which can only be sustained by commercial ship orders will further deteriorate, leaving the United States in a most vulnerable position should the need arise, as it has in the past, to intensify any buildup of naval and naval support ship construction. I urge that all possible steps be taken to halt the noneconomically motivated outflow of business activity related to the maritime enterprise.●

● Mr. SAWYER. Mr. Speaker, I am very pleased to have this opportunity today to participate in this special order, so that I might be able to add my support for greater efforts aimed at reducing our trade deficit, particularly the deficit which exists between the United States and Japan. Being from the State of Michigan, I am particularly sensitive to the cries of manufacturers who continue to have difficulty competing against products made in Japan, as well as other countries.

Of particular interest to my district is the machine tool industry. Nearly 23 percent of the national total of machine tool shipments are from Michigan, representing sales of $658 million. Needless to say, the industry is significant to our State. But, the last decade, the machine tool industry has been severely challenged by foreign competition. Domestic producers find that their share of the domestic market has fallen from over 90 percent in 1972 to less than 70 percent today. Because of this market share loss, and because of national security reasons, the National Machine Tool Builders Association has filed a petition with the Department of Commerce, asking that the Secretary of Commerce find, and the President concur, that recent dramatic increases in the foreign share of the United States domestic industry constitute a threat to national security. Machine tools are needed for ships, planes, tanks, missiles, and transport vehicles. Any further decline of the machine tool and metal forming machine tools will compromise our ability to react to security threats and will weaken our deterrent posture.

The future for the machine tool industry is not optimistic. Generally speaking, that industry is the last to recover from a recession, because of the tremendous capital needed to bring about the improvements in the industry. Japan has an enhanced ability to compete in this circumstance; enormous inventories of Japanese products are already warehoused in the United states.

I hope that our Secretary of Commerce is carefully monitoring the sentiment in the Congress. I hope the same is true of our U.S. trade representative. News that the Japanese have not voluntarily extended their automotive quotas would not be well-received by this Congress. I further hope that the Japanese do not underestimate the importance of proving to us that they are willing to help us lower our trade deficit. I can assure them that it would be in their best interests to do so, and I will be carefully monitoring Ambassador Brock's progress later this month.●

● Mr. BRYANT. Mr. Speaker, House Energy and Commerce Committee Chairman JOHN DINGELL has asked me to serve as a member of a special Subcommittee on U.S. Trade Problems with China.

During the 6 months I have been privileged to serve on the full committee—which has the broadest jurisdiction of any in the Congress—and two of its most important standing subcommittees, I have become increasingly aware of the complexities and the critical nature of U.S. trade policies. These policies are particularly significant with regard to the People's Republic of China, which presents us with the greatest opportunities for development of international commerce, and Japan, which unfortunately accounts for half of the 1983 projected U.S. trade deficit worldwide.

The Subcommittee on China Trade grew out of meetings of a small congressional delegation mission to China at the invitation of the People's Republic earlier this year. Although there was much agreement about the development of trade between the United States and China, most of which at this early stage would be advantageous to our country and its business community, a number of problems were revealed which hamper the full exploitation of trade opportunities.

It is essential that these problems be resolved as promptly as possible in view of the fact that China's ambitious development plan and its more than one billion people establish it as perhaps the most important potential market for U.S. goods, services, and technology in the remaining years of the 20th century.

Among the problems which will receive the immediate attention of the Subcommittee on China Trade are these:

First, resolution of U.S. problems regarding technology transfers in general, the preeminent problem that must be addressed by this administration if the Chinese market is to be fully developed.

Second, diplomatic initiatives to encourage Chinese adoption of a nuclear nonproliferation agreement which will facilitate commerce in areas involving nuclear technology.

Third, assistance from the Departments of State and Commerce in resolving Chinese barriers to trade which discourage U.S. businessmen from commercial involvement in China:

Lack of patent law, although Chinese officials have given assurances that the government is attempting to draft a law acceptable to the United States.

Inability of U.S. businesses to reach the proper decisionmaking levels in the Chinese Government, which control all People's Republic of China trade.

Price discrimination and the limitations imposed by "buy Chinese" provisions in business agreements.

Space limitations for U.S. businesses operating in China.

Fourth, decisions as to the most appropriate representation for U.S. businesses in China, which has a diverse and complex market and government structure. How can businesses best identify and gain timely access to markets, given the overlapping government jurisdictions and the still unresolved complex of controlled versus market economic structures?

Fifth, apparent failure of the U.S. Environmental Protection Agency to honor its commitments to the Chinese Environmental Protection Leading Group contained in a 1981 agreement. Apparently this is a result of political changes and budget cuts in the EPA.

Clearly, these are complicated questions requiring diligent efforts at resolution. The vastness of the Chinese market, especially for high technology items such as computers and telecommunications equipment and oil and gas production expertise and equipment, certainly make the attempt worthwhile.

Many of the businesses which would benefit immensely from expansion of trade between the United States and China are located in Dallas County and elsewhere in Texas.

Another important element in America's international trade picture—and one to which I have been devoting considerable attention—is that of trade imbalance with Japan.

Over the past several months, I have met with a number of Japanese trade ministers and officials of Nippon Telephone & Telegraph, the Japanese telephone monopoly, which is both a significant competitor and potential market for U.S. telecommunications and computer technology industries.

It is shocking to realize that, worldwide, the United States has a projected 1983 trade deficit of $60 billion, of which Japan will account for as much as $30 billion—an increase of almost 100 percent over 1982.

Trade with the Japanese and with other nations in the international marketplace must be a two-way street. The Japanese cannot expect us to continue providing them with an open market while refusing to reciprocate

by purchasing American-made goods, services, and technology. Access to the market and competition free of the government subsidies and trade restrictions which have given Japan an unfair and predatory advantage are essential to continued U.S. preeminence in high technology.

Already we have witnessed the devastating effects of unfair competition from the Japanese in the automobile and steel industries, which has resulted in vast unemployment and plant closings. Lone Star Steel, which has major facilities in Dallas County and elsewhere in Texas, has alone suffered more than 3,000 layoffs. We cannot afford to have and must not allow those trade inequities to spread to the high technology industries in which the United States remains the world leader.

The House Telecommunications Subcommittee, on which I serve, has, as part of an ongoing effort to increase the sale of high technology products in Japan, been monitoring the purchases made by Nippon Telephone and Telegraph (NTT) since that company signed an agreement with the United States in 1981 requiring a system of open procurement.

The agreement was designed to open up the Japanese market to U.S. equipment manufacturers. Since the agreement was signed, Japanese purchases of U.S. communications equipment have increased from $16.5 million in 1980 to $48 million in 1982. But that is a minuscule increase when one considers that NTT has an annual purchasing budget of $3.3 billion.

It is clear to me that NTT and the Japanese Government, which subsidizes NTT's operations and its competition in the international market, have begun to increase opportunities for U.S. companies to sell their products in Japan. But the results have been far below our most reasonable expectations.

Unless the U.S.-NTT Procurement Agreement soon results in dramatic increases in U.S. sales to Japan, we must begin to reevaluate our own open market policy.

The United States currently enjoys a very modest surplus in its export of telecommunications equipment worldwide, although not in the Japanese market. And Japanese equipment manufacturers had sales in excess of $700 million in the United States in 1982.

The most rapid growth in demand for telecommunications equipment in the immediate future will be in Europe and the developing countries. Therefore, rectifying the U.S. trade imbalance with Japan is important not only in terms of sales of American technology in Japan, but because honest and fair competition in their home market will compel the Japanese to compete more fairly and openly in the larger world market.

I recently had the opportunity to question U.S. Secretary of Commerce Malcolm Baldrige about America's overseas trade initiatives when he appeared before the Telecommunications Subcommittee. I was surprised and distressed to learn that there exists no national policy or timetable for rectifying imbalances in our trade relationships with other governments, such as that of Japan, which unfairly subsidize businesses in competition with American companies.

We must establish a national policy with regard to the balance of trade. We must make the correction of trade imbalance with Japan our first priority. And we must develop the broadest and most extensive possible markets for American business in China. As a member of the House Committee on Energy and Commerce and the new special subcommittee I will work toward those ends, and I will welcome your counsel and assistance.●

● Mr. NOWAK. Mr. Speaker, I would like to commend my colleagues for scheduling the colloquy this week to focus our attention on the serious impact of our country's increasing trade deficit, which is severely hampering our attempts for economic recovery.

Just last week, the Commerce Department released figures indicating a $7.19 billion trade deficit for the month of August, pushing the current deficit for 1983, thus far, to $40.8 billion. U.S. exports rose less than 0.19 percent in August while imports increased 3.6 percent. The forecast for the future is grim. The Commerce Department is expecting the trade gap to widen to $65 to $70 billion by year's end, and predicting a possible $100 billion deficit for 1984. Immediate remedial action is crucial to the economic well-being of this Nation.

First and foremost, we must increase the demand for domestic products, thus curbing the importation of foreign counterparts. This involves the strict enforcement of Federal and State buy American laws. The American steel industry recently gained an important victory in this area when the New York Metropolitan Transportation Authority, under pressure from New York State leaders, overturned a previous decision to use Korean steel, as opposed to American steel, for repairs on the Throgs Neck Bridge. The MTA's vote for American steel means $15.7 million in contracts, keeps countless steelworkers on the job and off unemployment lines, as well as avoiding the unnecessary importation of 15,000 tons of foreign steel.

Second, trade remedy legislation must be enacted to help prevent violations of our existing trade laws which only add to the already skyrocketing trade deficit. The Subcommittee on Trade of the House Ways and Means Committee will be introducing legislation shortly which should address foreign industrial targeting, unfair subsidy and dumping practices, streamline procedures to allow smaller companies the benefits of remedies, as well as reducing costs and delays in these procedures. Our Government must insist on existing import quotas, including those on Japanese automobiles presently under discussion by this administration. My colleagues on the Congressional Steel Caucus' executive committee have introduced the Fair Trade in Steel Act of 1983, a measure designed to stem the flow of imports into the domestic steel market. Additionally, domestic content legislation would extend relief to auto parts manufacturers and the rest of the domestic auto industry in proportion to the number of vehicles sold in America.

Trade remedy legislation will allow domestic industries the opportunity to recapture a competitive position in both the American and international markets.

Finally, our industrial competitiveness depends on continuous communication and monitoring of our position in the current economic arena. The President has agreed to reestablish the Tripartite Advisory Council which will oversee the entire steel industry, thus avoiding crisis management and decisionmaking. I have cosponsored H.R. 3681, introduced by my colleagues on the Northeast-Midwest Coalition, which would create a Transitional Industries Trade Board to observe present trade policies and to explore alternatives to increase the competitiveness of American industries. Both of these committees would be composed of Government, labor, and management to provide a well-rounded approach and wide range of expertise. A comprehensive industrial trade policy is the seed leading to increased exports and decreased trade deficits.

Our domestic industries desperately need help and guidance from our Federal Government if they are to remain viable competitors internationally and if our country is to overcome our dramatic and severe trade deficit.●

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the subject matter of this special order.

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

There was no objection.

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

IMMIGRATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. McCOLLUM) is recognized for 60 minutes.

Mr. McCOLLUM. Mr. Speaker, I was appalled today to hear confirmation of the fact that the House Democratic leadership has decided not to allow the Simpson-Mazzoli Immigration Reform and Control Act to come to the floor for a vote this year which I take to mean in this Congress.

It has been well documented and we are all fully aware that the United States has lost control of its borders. Responsible estimates as to the count of illegal immigrants in this country at the present time range higher than 12 million. The most recent statistics from the immigration and naturalization service indicate an alarming and sizable increase in illegal border crossings just this year alone. There can be no doubt that the quality of life in America is gravely threatened by the failure of this Congress to act to restore control over our borders and produce immigration laws that once again work to allow reasonable numbers of immigrants to enter our country each year who can be absorbed and assimilated into our society.

The Senate has twice voted overwhelmingly for the Simpson-Mazzoli Immigration Act. The House Judiciary Committee reported it out 4 months ago. Virtually every editorial writer of every major newspaper in this country has urged its passage.

Despite major controversies over various aspects of this much-needed legislation, it has until this week maintained a strong, bipartisan support above the muddy waters of politics. Now it appears the House Democratic leadership has impaled it on the cross of partisan politics in a blatant effort in a Presidential election season to win support of some Hispanic leaders who have reacted to the key employer sanction provisions with blind emotion and unfounded fear of discrimination. Your unsubstantiated charges that President Reagan would veto this bill which he has repeatedly endorsed be patently observed. President Reagan released a press statement on this very point today. It read:

THE WHITE HOUSE,
October 4, 1983.

STATEMENT BY THE PRINCIPAL DEPUTY PRESS SECRETARY

The President was naturally disappointed today to hear press reports quoting Speaker O'Neill as saying that immigration reform legislation would not be considered by the House this year. The President hopes that the Speaker will reconsider and allow the House to vote on a bill that is essential to the future well-being of this Nation.

As we understand it, the Speaker commented that there was no discernible constituency for the bill, and that there had been mixed signals from the White House. We respectfully disagree with the Speaker on those points.

The Senate has twice passed immigration legislation—by overwhelming bipartisan margins. And in the Congress immigration legislation has also been considered and approved by four committees in the House, including the Committee on the Judiciary.

Administration officials have testified on the reform measures a total of 28 times.

This is not a political issue. It is not a partisan issue. It is an issue that concerns all Americans—and it is in the best interests of all Americans to have the nation regain control of its borders.

One final point remains to be made. The President sent the original immigration reform legislation to the Congress more than two years ago. He supported it then. He supports it today.

Mr. Speaker, your refusal to allow full House consideration of this measure makes a mockery of our system and reflects adversely on every Member of the House.

We have known all along that some Hispanic leaders and organizations object to employer sanctions, the critical enforcement feature at the heart of this bill. Their objection and tactics on the floor of the House kept the 97th Congress from passing this bill. To be opposed is their privilege, even in the face of polls showing 60 percent of the Nation's Hispanics favor the legislation. But, for this House not to even consider the bill is the height of irresponsibility and displays a complete disregard to addressing an urgent national problem.

Outside of the economy and the national defense, there is no matter of more importance to the future of our Nation that immigration reform and gaining control or our borders. The very quality of life which our forefathers worked so long and hard to give Americans as the greatest free nation in the history of the world will not be there for our children and grandchildren if we do not stem the flow of illegal immigration into our country not only will jobs for American citizens be lost in ever increasing numbers to illegal aliens, but the very fabric of our society—the melting pot—whereby people of all races and ethnic backgrounds have blended together their diverse cultural heritages to form one people of enduring strength dedicated to individual liberty and freedom—will be lost.

Mr. Speaker, for the sake of our country, and the future prosperity and happiness of generations of Americans to come, I implore you to reverse your decision and allow the House to consider the Simpson-Mazzoli Immigration Reform Control Act.

FEDERAL COMMUNICATIONS COMMISSION'S ACCESS-CHARGE PLAN FOR LOCAL TELEPHONE OPERATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nebraska (Mrs. SMITH) is recognized for 5 minutes.

● Mrs. SMITH of Nebraska. Mr. Speaker, thank you for providing this opportunity for me to express on behalf of my constituents deep concern about the effects of the Federal Communications Commission's access-charge plan upon local telephone rates, particularly in high-cost rural areas.

In my opinion, the Commission's access charge plan—with its rigid cost-based pricing—is in direct conflict with the goal of continuing to provide universal telephone service.

I am trying to persuade all my colleagues in the House that the effective date of the Commission's ruling ought to be postponed for at least 1 year, that is, until January 1, 1985. On July 26, 1983, I introduced House Concurrent Resolution No. 150 which calls for a 1-year delay in implementing the access charge plan. I invite Members to sign on to this resolution. A committee in the other body has already voted to delay the FCC access charge plan for 2 years.

A delay would give the Congress and the industry more time in which to study the still-murky consequences of the AT&T divestiture without the complications of dealing simultaneously with the ramifications of the Commission's access-charge plan. A year's delay will also give Congress a chance to study the tariffs filed by telephone companies yesterday, October 3, to better understand the consequences of the FCC access charge plan on universal service.

I say that we must have more time to make sure that we adopt as national policy, effective, wise legislation, and regulations that provide a regulatory framework and a rate structure that insures basic telephone service at reasonable rates and provides sufficient flexibility to deal with the bypass problem where it exists.

We need more time to consider whether the Commission's plan should be rejected outright and, instead, be replaced with a framework that reflects these principles, or whether we should modify the access-charge plan to insure universal service to high-cost areas, particularly rural areas, and to provide State public service commissions with the jurisdiction to adjust rate designs and depreciation methodologies that best serve the telephone customers in their States.

Mr. Speaker, the Census Bureau reports that by its definitions, some 80 million Americans live in rural areas. Now, not all of them will be hit by this access plan, but a huge majority are going to experience telephone bills that local managers in my district estimate will eventually double, triple, or even quadruple.

My constituent mail on this issue is beginning to accelerate. So far this year, I have received 662 pieces of mail expressing concern about future telephone service and increased telephone bills. Of course, a substantial amount of this mail was generated by local telephone companies. I understand full well that the FCC gave what under ordinary circumstances would have seemed more than adequate time for comment on its access-charge plan, but this is no ordinary issue.

In my State lots of rural telephone customers pay around $10 a month for service. The Rural Electrification Administration has estimated the monthly telephone bills for the customers of all its telephone borrowers as a result of the access charges. In their study, the REA used actual revenue information from 1981, imposed the FCC interstate access charges, and adjusted the revenues of its borrowers accordingly. This method provided estimates of what the monthly bills of local telephone customers would have been in 1981 if the system of FCC interstate access charges had been in effect then. The REA study showed that telephone bills in Nebraska would have ranged from $13.39 a month to $36.87 a month in 1981 if the access charge plan had been in effect. I will enter the whole chart for all the States showing these estimates under the access charge plan into the RECORD.

While urban leaders may find this difficult to believe, such an increase will result in many fixed income and low-income people in my district taking out their telephones and doing without. This will produce the widely discussed spiral effect—local telephone companies will try to offset the resulting loss of revenue by further raising their rates to cover their costs.

The Commission's access-charge plan will shift all of the fixed costs of providing and maintaining the local exchange and access lines previously borne by long-distance carriers to the local business and residential telephone subscribers.

The plan mandates that flat monthly fees be added telephone bills. The fee will increase until it covers all those costs previously paid for by the long-distance companies. This flat monthly fee is in addition to charges for making local and long-distance calls, and similar access charges required by the State agencies to cover the remaining fixed costs.

This would be a painful transition, indeed. By one calculation, the FCC itself estimates that interstate access charges will replace $10.7 billion in long-distance subsidies, some $5 billion of which will be tacked onto bills for local service over the next 6 years. The remainder will be borne by long-distance carriers as a cost of hooking into local phone networks. Intrastate access fees will impose additional billions in local charges.

The Commission justifies its access charge plan with its strict adherence to cost-based pricing as necessary to address the problem of bypass and provide competition in the telecommunications industry. Businesses which make a lot of long-distance interstate calls are switching from the telephone exchange to other systems such as MCI and Sprint for long-distance service. MCI and Sprint are able to provide long-distance service at a cheaper rate because their rates do not include costs of maintaining the local exchange facility. The FCC also maintains that the decrease in long-distance rates will offset the increase in local telephone rates—that this is just a rate restructure, not a rate increase—a position that I say is untenable.

Rural telephone customers will be especially hard hit by the Commission's plan—the access charges will be the highest out in the country but rural people won't share significantly in the benefits of lower long-distance rates.

This is true simply because the economies of rural service do not match those of densely populated areas. Similarly, small cities and rural areas probably would not benefit fully from competition in the long-distance business. They even may experience rate hikes on toll calls, contrary to national predictions of lowered rates as the toll subsidy of local monopolies is ended.

This is because toll prices depend on volume, and the largest declines in rates are likely to occur along heavily used routes between major cities. Indeed, perhaps 80 percent of all toll calls travel between 18 major cities.

As the representative of the Michigan Public Service Commission has testified before the Government Operations Subcommittee on Government Information, Justice, and Agriculture, the Commission's access-charge framework was not necessary to solve the bypass problem. Most small telephone companies serve sparsely populated rural areas that will never be threatened by residential or commercial bypass of the existing system. For the more than 1,400 rural telephone companies in our country, the problem of bypass, and hence the need for the Commission's shift of revenue from carrier to end user is just not necessary.

As for the impact upon my State, Nebraska, I submit for the RECORD a letter to me from Commissioner Eric Rasmussen of the Nebraska Public Service Commission. Commissioner Rasmussen demolishes once and for all the Federal Communications Commission's argument that its plan is merely a restructuring and not a rate increase. The basic reason is simply that reductions in interstate toll rates are extremely unlikely to be available because rural areas do not use long-distance telephones that much—certainly not in sufficient volume to offset the almost inevitable upward leaps of the cost of local service.

In closing, I wish to restate my position that we must not abandon the concept of providing a truly universal telephone service linking almost every household and business in this country. I say that the Federal Communications Commission's access plan with its rigid cost-based prices is in direct conflict with the goal of universal service.

I hold that we must at least defer the implementation of this ruling for 1 year to give Congress a more reasonable time to consider comprehensive legislation to address the consequences of the divestiture of AT&T.

At this point I include the following:

How rural telephone rates would be affected if the FCC access charge plan had been in effect in 1981.

The first column shows telephone company revenue requests granted by state utility boards or pending before those boards since January 1, 1983. The second column lists current basic residential rate in each state's largest city. The third column shows what rural telephone rates would have been in 1981 if the FCC access-charge plan had been in effect. This final column is based on actual 1981 telephone company revenues.

	Revenue increases (millions)	Current urban rate	Projected rural rate
Alabama	$129.7	$16.55	$17.11–32.07
Alaska	0	9.05	36.09–73.99
Arizona	79.0	9.30	35.93–40.55
Arkansas	146.0	13.30	17.64–37.66
California	1,600.0	7.00	25.92–34.07
Colorado	38.5	8.70	22.62–37.03
Connecticut	0	12.40	(2)
Delaware	26.0	9.20	(2)
D.C.	80.0	8.83	(2)
Florida	114.7	12.20	22.42–38.06
Georgia	179.4	13.76	17.67–37.26
Hawaii	110.0	10.90	(2)
Idaho	17.3	10.63	22.84–41.99
Illinois	360.1	6.30	15.91–30.82
Indiana	106.0	13.83	13.78–30.50
Iowa	87.0	12.00	12.81–27.78
Kansas	237.0	10.50	19.77–33.13
Kentucky	213.0	16.53	16.86–27.88
Louisiana	241.0	13.40	18.68–38.63
Maine	15.4	10.40	19.08–31.35
Maryland	218.5	12.00	22.22
Massachusetts	0.1	9.10	(2)
Michigan	182.0	10.65	12.23–36.81
Minnesota	12.2	10.00	13.78–30.60
Mississippi	0	19.00	13.67–29.15
Missouri	260.0	9.55	17.76–31.00
Montana	21.0	7.64	26.38–39.73
Nebraska	0.05	9.60	13.39–36.87
Nevada	2.0	6.45	24.88–37.00
New Hampshire	0	13.30	19.99–33.69
New Jersey	245.3	7.35	25.54–28.55
New Mexico	88.1	11.57	26.32–42.99
New York	936.0	[1] 15.91	11.68–35.99
North Carolina	184.1	12.05	11.59–29.86
North Dakota	22.0	9.55	21.56–38.43
Ohio	126.1	12.95	11.85–26.10
Oklahoma	313.5	8.95	17.03–35.85
Oregon	64.9	13.30	18.35–35.45
Pennsylvania	423.5	9.60	15.75–31.99
Rhode Island	39.0	13.80	(2)
South Carolina	29.1	11.93	18.16–37.41
South Dakota	11.2	11.40	17.94–37.53
Tennessee	279.0	12.35	13.33–26.90
Texas	2,011.2	10.75	15.93–53.36
Utah	14.9	10.00	21.62–31.49
Vermont	16.5	10.55	25.21–33.36
Virginia	0	12.55	15.21–36.70
Washington	125.0	11.15	17.00–33.66
West Virginia	94.0	16.80	17.27–27.44
Wisconsin	55.0	13.00	10.53–36.05

	Revenue increases (millions)	Current urban rate	Projected rural rate
Wyoming	35.0	8.50	28.11–36.22

[1] Buffalo rate.
[2] Not available.

Sources: State utility commissions, Rural Electrification Administration. (Courtesy National Journal.)

NEBRASKA PUBLIC SERVICE COMMISSION,
Lincoln, Nebr., April 19, 1983.

Congresswoman VIRGINIA SMITH,
Third District,
Rayburn House Building, Washington, D.C.

DEAR CONGRESSWOMAN SMITH: As you are aware numerous and major changes are taking place in the telecommunications industry. I am extremely concerned about the effects of these changes on the provision of telephone service in the State of Nebraska. Today I feel the goal of the 1934 Communications Act, to make telephone service available to all the people of the United States at reasonable charges, has been met by the industry through regulation. However, I am concerned that many of the recent regulatory decisions made at the federal level may have serious adverse effects on the current universality of telephone service.

During the past year, the FCC has issued several orders which will result in dramatic increases in the cost of basic telephone service. On December 22, 1982, the FCC adopted its third report and order regarding access charges (CC Docket No. 78-72, Phase I), which mandates an average $4 flat fee per local line per month for access to the interstate network. This order will become effective January 1, 1984 and contains provisions to escalate this flat fee over a period of five years to a level which may recover up to $7 per month per customer for access to the interstate network. In light of the FCC's decisions on interstate access charges, it is apparent that this Commission will be forced to consider implementation of intrastate access charges to replace revenues lost with the end of the toll separations and settlements process. Small telephone companies typically derive over half of their overall revenue from these toll separations, thus, when this process ends, at the end of 1983, this revenue will be recovered in ways which will increase the cost of basic telephone service. Therefore, all basic service customers will see the addition of an average of $8 in intrastate and interstate access charges to their bill they must pay merely to have local, basic telephone service. These charges will be assessed even if the customer makes no toll calls in a given month.

The FCC also issued an order in CC Docket No. 79-105, on December 22, 1982, which in effect adopted revised depreciation methodologies on intrastate and local plant of telephone companies and purported to preempt the state regulatory jurisdiction in this area. In other words, the FCC has taken the position that it can force states to adopt FCC-approved depreciation rates and methodologies for exchange and intrastate plant. It has been estimated that the recovery of depreciation reserve deficiencies over the expected remaining life of the embedded plant and the adoption of equal life group depreciation on new plant will cost the average local ratepayer $2 per month.

I recognize that each change taking place in the communications industry, when taken by itself, is designed to serve some useful purpose. However, in an attempt to resolve individual problems, the national policy making entities have failed to view the effects of their decisions in a larger perspective. The effect of the AT&T divestiture including the end of toll separations and settlements scheduled for the end of 1983, the FCC's preemption of state authority on depreciation and accounting matters, and the FCC's prescription of interstate access charges will be to increase substantially the rate which local subscribers must pay for basic telephone service.

The problems which these decisions, particularly the FCC's decision on access charges, pose for telephone users in Nebraska is complicated by the many independent telephone companies present within the state. I am especially concerned about the effects these changes will have on the local service rates charged by these small telephone companies in Nebraska. To emphasize the magnitude of the access charge problem, I again point out small telephone companies currently receive over half of their revenues from the toll separations and settlements process in effect today which will be discontinued at the end of 1983. These companies will be forced to recover this revenue from the local ratepayers through the FCC's prescription of interstate access charges plus a charge for intrastate access. Estimates show that the costs for intrastate access, while varying substantially between companies, will average no less than the costs of interstate access. Therefore $4 must be added to the customer's bill if the Commission decides that an intrastate access charge is appropriate, resulting in an immediate increase averaging at least $8 per month. Given prevailing local exchange rates in Nebraska, this means that the fixed portion of the telephone bill for the average Nebraska subscriber will increase at least 75 percent, and in some locations over 20 percent, in 1984. If 50 percent or more of local costs are currently recovered from toll settlements, the $8 access charge will not be adequate in most cases to make up the lost revenue resulting in additional local rate increases.

It is difficult enough for me to explain to telephone subscribers in Nebraska the need for any increase in telephone rates. However, when subscribers are faced with increases of this magnitude, which are required largely by federal policy, I find the explanation virtually impossible. These drastic increases will significantly reduce the number of subscribers to telephone service, thereby increasing the share of fixed costs which must be borne by the remaining users resulting in further rate increases.

The FCC stated that: "The implementation of access charges is not a rate increase, it is a rate restructure. Increases in access charges will be matched dollar for dollar by reductions in per message interstate toll charges." I believe that this statement by the FCC exemplifies the inadequate consideration given to the effects of their decision on rural telephone subscribers. To tell these users that their rates have not been increased, but merely "restructured", when those subscribers must pay an additional $8 per month for obtaining basic telephone service, makes little sense. Currently the combined interstate and intrastate access are in the $9 to $11 range per residential customer and these costs will increase in the future resulting in further substantial rate increases.

I am not aware of a plan to require either AT&T or any other interexchange carriers to reduce rates such that there is no net increase in revenues to the interexchange carrier. Unless interstate toll rate reductions are ordered, there is simply no truth to the FCC's statement that the implementation of access charges is not a rate increase. In fact, even if reduced interexchange rates do come about, they cannot be expected to help the rural telephone subscriber. It is difficult to determine the break even point without knowing what reductions, if any, in toll rates might occur, however, two important facts are nearly indisputable. First, most rural telephone subscribers cannot be expected to regularly reach the break even point. Even at the lowest possible average interstate access charge of $4 per month, assuming a 20 percent decrease in interstate toll rates, the local subscriber would need to make $20 worth of interstate toll calls per month in order to break even under the FCC's access plan. This is an interstate toll usage level higher than that reached by most residential telephone subscribers.

Any reductions in interstate toll rates that may take place are not likely to be over routes used frequently by telephone subscribers in Nebraska. Reductions by interexchange carriers can be expected over routes which are most competitive, and not over routes used by subscribers in less populated areas. Obviously the FCC's prescription of access charges will result in higher charges for toll service in rural areas such as Nebraska, while more densely populated areas of the country served by numerous interexchange carriers will have lower toll rates.

The FCC's actions have been prompted by the perceived problem of "bypass", however, the solution will not aid Nebraska in this regard. In Nebraska, usage will be low and the cost of providing access high, driving the access charge up. This situation would seem to further push the user toward bypass of the local network due to the ever increasing access charges.

"Bypass" is a problem largely non-existent in Nebraska today, however, fear of this problem prompted the FCC to formulate a system of access charges which will benefit primarily two consumer groups. Obviously, large users of interstate toll services on competitive routes will benefit because decreased toll rates will likely offset the access charges which these subscribers must pay. The other real winners in this game are the interexchange carriers who will benefit because billions of dollars currently paid out through the separations process will simply be retained by them. The real loser under this system is the telephone customer in a low density rural area, like Nebraska, who will be faced with ever increasing costs for access to a network which provides essentially the same service he receives today.

I applaud the attempts of Congress to focus attention on the serious problem of maintaining universal service through the Oversight Hearing on Universal Telephone Service Costs held by the Subcommittee on Telecommunications, Consumer Protection, and Finance, of the House Committee on Energy and Commerce. The nation needs to have someone at the federal level to address the problems and to find solutions. Congress is the appropriate body to pull together the pieces and evaluate the national economic impact on consumers.

The need for federal action to preserve universal service is parmount. I can see severe and potentially irreparable problems facing us in the immediate future. Ratepayers in every state in the country will be affected. We need a safety net for this highly turbulent transition period facing us in the

next five years, and I feel Congress must help in designing one.

Regulators need to know what the exact effects of the FCC decisions and the AT&T divestiture will be. We need to know now that Congress is committed to the concept of universal service and is willing to act to preserve it.

In conclusion, the FCC, Congress, state legislators and state regulators need to keep in mind that the primary reason we have a regulated telecommunications system today is due to the fact the marketplace failed to originally serve the needs of the public. We must not destroy universal service simply because of our concern for economic efficiency without considering the adverse impacts on residential and small business users. There is still time for legislators to define "universal service" thereby setting national policy through congressional action. The welfare of the "public" must be considered in fine tuning the access charge plan and jurisdictional separations process to salvage "universal service."

Sincerely,

ERIC RASMUSSEN,
Commissioner, Fourth District.●

□ 1830

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, due to official business on Thursday, September 29, and Friday, September 30, I missed three votes.

On Thursday, September 29, if I had been present, I would have voted "no" on rollcall No. 368, a substitute for the amendment which would retain the Commerce Department law enforcement authority contained in the bill, but requiring a warrant and I would have also voted "no" on rollcall No. 369, which would strike provisions allowing for the Commerce Department law enforcement authority.

On Friday, September 30, if I had been present, I would have voted "yes" on rollcall No. 371, which was the rule to consider the Justice Department authorization.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MARTIN of Illinois (at the request of Mr. MICHEL) for today, on account of personal matters.

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. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. HILLIS, for 60 minutes, today.

Mr. BETHUNE, for 60 minutes, today.

Mrs. SMITH of Nebraska, for 15 minutes, today.

Mrs. VUCANOVICH, for 5 minutes, today.

Mr. PAUL, for 15 minutes, on October 5.

Mr. LEACH of Iowa, for 30 minutes, today.

Mr. MCCOLLUM, for 60 minutes, today.

Mrs. SMITH of Nebraska, for 5 minutes, today.

(The following Members (at the request of Mr. WEISS) to revise and extend their remarks and include extraneous material:)

Mr. MURTHA, for 60 minutes, today.

Mr. MATSUI, for 5 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. MOLLOHAN, for 40 minutes, today.

Mr. MORRISON of Connecticut, for 5 minutes, today.

Mr. DWYER of New Jersey, for 10 minutes, on October 4.

Mr. DWYER of New Jersey, for 10 minutes, on October 5.

Mr. COYNE, for 5 minutes, today.

Mr. REID, for 15 minutes, on October 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BIAGGI, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,328.25.

Mr. COYNE, to revise and extend his remarks following the remarks of Mr. BORSKI today on Casimir Pulaski.

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. BETHUNE in three instances.
Mr. BROYHILL.
Mr. LAGOMARSINO.
Mr. BROOMFIELD in two instances.
Mr. WOLF in two instances.
Mr. PHILIP M. CRANE.
Mr. SOLOMON.
Mr. DANIEL B. CRANE.
Mr. MICHEL.
Mr. PORTER.

(The following Members (at the request of Mr. WEISS) and to include extraneous matter:)

Mr. BOLAND.
Mr. ZABLOCKI.
Mr. LANTOS in two instances.
Mr. MARKEY in three instances.
Mr. FAZIO.
Mr. ROE.
Mrs. BURTON of California.
Mr. PEPPER.
Mr. STARK in three instances.
Mr. HARRISON in two instances.
Mr. TORRES.
Mr. RODINO.
Mr. GEJDENSON.
Mr. VENTO in two instances.
Mr. WAXMAN.
Mr. BRITT.
Mr. MATSUI in two instances.
Mr. MRAZEK.
Mr. DOWNEY of New York in two instances.
Mr. CONYERS.
Mr. SKELTON.
Mr. ADDABBO.
Mr. FORD of Michigan in two instances.
Mr. HUBBARD.
Mr. DELLUMS.
Mr. ST GERMAIN.
Mr. LEVIN of Michigan.
Mr. SWIFT in two instances.
Mr. SOLARZ.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following title:

S. 884. An act to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians in docket No. 15–72 of the U.S. Court of Claims;

S. 1148. An act to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indians Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Community, Montana, in docket No. 10–81L by the U.S. Court of Claims, and for other purposes;

S. 1465. An act to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building";

S. 1724. An act to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building"; and

S.J. Res. 159. Joint resolution providing statutory authorization under war powers resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE (INADVERTENTLY OMITTED FROM THE RECORD OF OCTOBER 3, 1983)

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bills on Friday, September 30, 1983:

H.J. Res. 137. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, as "National Schoolbus Safety Week of 1983";

H.J. Res. 368. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes; and

H.R. 3962. An act to extend the authorities under the Export Administration Act of 1979 until October 14, 1983.

ADJOURNMENT

Mr. GAYDOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 5, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1945. A communication from the President of the United States, transmitting a request for supplemental appropriations for the Veterans' Administration for fiscal year 1984, pursuant to 31 U.S.C. 1107 (H. Doc. No. 98-115); to the Committee on Appropriations and ordered to be printed.

1946. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's proposed decision to convert to contractor performance the commissary store operation at Yuma Proving Ground, Ariz., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1947. 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 administrative telephone service function at the Public Works Center, Norfolk, Va., pursuant to section 502(b) of the Public Law 96-342; to the Committee on Armed Services.

1948. A letter from the Secretary of Agriculture, transmitting a report on the 1982 Youth Conservation Corps program, pursuant to section 5 of Public Law 92-597; to the Committee on Education and Labor.

1949. A letter from the Deputy Administrator, General Services Administration, transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1950. A letter from the Deputy Administrator, General Services Administration, a draft of proposed legislation to amend section 207(c)(1) of the Federal Property and Administrative Services Act of 1949, as amended, to change the criteria therein so that the provisions of section 207 shall not apply to disposals of surplus real property having an estimated fair market value less than $1,000,000; to the Committee on Government Operations.

1951. A letter from the Assistant Secretary of the Interior, Land and Water Resources, transmitting copy of an application by Douglas County, Oreg., for a loan and grant under the Small Reclamation Projects Act, pursuant to section 4(c) of that act, as amended; to the Committee on Interior and Insular Affairs.

1952. A letter from the Deputy Associate Director for Royalty Management Operations, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of excess royalty payments totaling $4,048,999.54 to Kerr-McGee Corp., Shell Oil Co., Pogo Producing Co., Cities Service Co., and ODECO Oil & Gas Co., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

1953. A letter from the Acting Assistant Secretary of the Interior, Territorial and International Affairs, transmitting reports by the Department of the Interior, Health and Human Services, Education, Housing and Urban Development, and Justice on the impact on the Virgin Islands of adjusting the status of certain nonimmigrants, pursuant to section 4 of Public Law 97-271; to the Committee on the Judiciary.

1954. A letter from the Chairman, U.S. International Trade Commission, transmitting a report on trade between the United States and the nonmarket economy countries during April-June 1983, pursuant to section 410 of Public Law 93-618; to the Committee on Ways and Means.

1955. A letter from the Comptroller General of the United States, transmitting a report on weapons systems overview: a summary of recent GAO reports, observations, and recommendations on major weapon systems (GAO/NSIAD-83-7; September 30, 1983); jointly, to the Committees on Government Operations and Armed Services.

1956. A letter from the Comptroller General of the United States, transmitting a status report on the conversion to automated mail processing and nine-digit ZIP code (GAO/GGD-83-84; September 28, 1983); jointly, to the Committees on Government Operations and Post Office and Civil Service.

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. BEILENSON: Committee on Rules. House Resolution 329. Resolution providing for the consideration of H.R. 2968, a bill to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes (Rept. No. 98-400). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 330. Resolution providing for the consideration of H.R. 3324, a bill to authorize appropriations for grants to the Close Up Foundation and for certain law-related education programs (Rept. No. 98-401). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 331. Resolution waiving certain points of order against consideration of H.R. 3958, a bill making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-402). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 332. Resolution waiving certain points of order against consideration of H.R. 3959, a bill making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-403). 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. BONKER:

H.R. 4068. A bill to extend the authorities under the Export Administration Act of 1979 until October 28, 1983; considered and passed.

By Mr. BEDELL:

H.R. 4069. A bill to provide for an improved program for feed grains; to the Committee on Agriculture.

By Mr. COELHO:

H.R. 4070. A bill to amend the Internal Revenue Code of 1954 to require that income tax returns include space designated for the taxpayer to specify the amount of any cash contribution such taxpayer wishes to make to the Federal Government for reduction of the public debt and to establish a trust fund with amounts contributed by taxpayers for reduction of the public debt; to the Committee on Ways and Means.

By Mr. DELLUMS (by request):

H.R. 4071. A bill to clarify the use of resolutions by the Council of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FOLEY (for himself, Mr. MARLENEE, Mr. BEDELL, Mr. GLICKMAN, and Mr. LOWRY of Washington):

H.R. 4072. A bill to provide for an improved program for wheat; to the Committee on Agriculture.

By Mr. HOPKINS:

H.R. 4073. A bill to amend the Agricultural Adjustment Act of 1938; to the Committee on Agriculture.

By Mr. HUGHES:

H.R. 4074. A bill relating to the tariff treatment of tourist literature regarding Canada; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 4075. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation corporations which acquire and manage real property for certain other exempt organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. REID:

H.R. 4076. A bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces; to the Committee on Armed Services.

By Mr. WAXMAN:

H.R. 4077. A bill to amend part B of title XVIII of the Social Security Act with respect to information on physician assignment practices under the medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HEFTEL of Hawaii (for himself, Mr. WRIGHT, Mr. JENKINS, Mr. CONABLE, Mr. RANGEL, Mr. DUNCAN, Mr. VANDER JAGT, Mr. MATSUI, Mr. ANTHONY, Mr. HANCE, Mrs. KENNELLY, Mr. CAMPBELL, Mr. FLIPPO, Mr. FUQUA, Mr. LUJAN, Mr. FISH, Mr. FAZIO, Mr. GLICKMAN, Mrs. SCHNEIDER, and Mr. DIXON):

H.R. 4078. A bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. BOLAND (for himself, Mr. CONTE, and Mr. MINETA):

H.J. Res. 381. Joint resolution to provide for appointment of Samuel Curtis Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. KEMP (for himself, Mr. WRIGHT, Mr. MICHEL, Mr. FOLEY, Mr. BROOMFIELD, and Mr. BARNES):

H. Res. 328. Resolution expressing the sense of the House of Representatives that the President should rename the National Bipartisan Commission on Central America "The Jackson Commission," in honor of the late Senator Henry Jackson; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

282. By the SPEAKER: Memorial of the Legislature of the State of California, relative to Federal military facilities; to the Committee on Armed Services.

283. Also, memorial of the Legislature of the State of Michigan, relative to natural gas; to the Committee on Energy and Commerce.

284. Also, memorial of the Legislature of the State of California, relative to the conflict in Lebanon; to the Committee on Foreign Affairs.

285. Also, memorial of the Legislature of the State of California, relative to automation of the Employment Development Department's unemployment insurance programs; to the Committee on Ways and Means.

286. Also, memorial of the Legislature of the State of California, relative to exports; to the Committee on Ways and Means.

287. Also, memorial of the Legislature of the State of California, relative to sewage treatment plants; jointly, to the Committees on Public Works and Transportation and Foreign Affairs.

288. By Ms. SNOWE: Memorial of the Legislature of the State of Maine, relative to treatment of Baha'is in Iran; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. BRITT, Mr. CARR, Mr. CHAPPIE, Mr. GONZALEZ, Mr. GORE, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. KOLTER, Mr. MORRISON of Connecticut, Mr. NOWAK, Mr. PRICE, Mr. SIMON, and Mr. WEISS.

H.R. 260: Mr. TALLON.

H.R. 507: Mr. MINETA, Mr. KOGOVSEK, Mr. MCGRATH, Mr. WHITLEY, Mr. RICHARDSON, Mr. SKELTON, Mr. MCCAIN, and Mr. WISE.

H.R. 700: Mr. LOWRY of Washington.

H.R. 701: Mrs. VUCANOVICH.

H.R. 1092: Mr. MCKINNEY, Mr. MCCANDLESS, and Mr. SYNAR.

H.R. 1870: Mr. DICKS and Mr. PARRIS.

H.R. 1959: Mr. DYSON, Mr. MATSUI, Mr. MOAKLEY, Mr. WORTLEY, Mr. DWYER of New Jersey, and Mr. WALGREN.

H.R. 1981: Mr. LEHMAN of Florida.

H.R. 2124: Mrs. KENNELLY, Mr. LEVITAS, Mr. PETRI, Mr. MACKAY, Ms. SNOWE, Mr. HYDE, Mr. LOEFFLER, Mr. ALBOSTA, Mr. CONTE, Ms. OAKAR, and Mr. SIKORSKI.

H.R. 2133: Mr. YATES, Mr. GRAY, Mr. SMITH of Florida, Mr. DIXON, Mr. CORRADA, Mr. HAWKINS, Mr. GARCIA, Mr. OTTINGER, Mr. TALLON, Mr. WEAVER, Mr. OLIN, Mr. MILLER of California, Mr. RANGEL, Mr. FORSYTHE, Mr. STOKES, Mr. FEIGHAN, Mr. RUSSO, Mr. CONYERS, Mr. ANDREWS of Texas, Mr. WEISS, Mr. FLORIO, and Mr. GORE.

H.R. 2250: Mr. WRIGHT, Mrs. BURTON of California, Mr. ECKART, Mr. HORTON, Mr. LEATH of Texas, Mr. PACKARD, Mr. SUNIA, Mr. YOUNG of Missouri, Mr. SHUMWAY, Mrs. SCHNEIDER, Mr. CONYERS, Mr. ALEXANDER, Mr. SIKORSKI, Mr. WON PAT, Mr. SIMON, Mr. MOODY, Mr. FOWLER, and Mr. CRAIG.

H.R. 2263: Mrs. MARTIN of Illinois.

H.R. 2318: Mr. BOSCO and Mr. GLICKMAN.

H.R. 2377: Mr. GINGRICH and Mr. RUDD.

H.R. 2483: Mr. YOUNG of Alaska.

H.R. 2533: Mr. OXLEY.

H.R. 2847: Mr. WEAVER.

H.R. 2889: Mr. BEREUTER.

H.R. 2991: Mrs. BOXER, Mr. MITCHELL, and Mr. MATSUI.

H.R. 3082: Mr. PATTERSON.

H.R. 3170: Mr. SEIBERLING and Mr. MATSUI.

H.R. 3188: Mr. VANDERGRIFF.

H.R. 3282: Mrs. BOXER, Mr. WEAVER, Mr. MCDADE, Mr. EDGAR, Mrs. BURTON of California, and Mr. NEAL.

H.R. 3381: Mrs. SCHNEIDER.

H.R. 3405: Mr. CRAIG, Mr. GONZALEZ, Mr. MARTINEZ, Mr. FISH, and Mr. TORRES.

H.R. 3444: Mrs. SMITH of Nebraska.

H.R. 3465: Mr. FAZIO, Mr. MRAZEK, Mr. LELAND, Mr. CONYERS, Mr. MITCHELL, Mr. ACKERMAN, Mr. LENT, Mr. WEISS, Mr. COYNE, Mr. BORSKI, Ms. KAPTUR, and Mr. CROCKETT.

H.R. 3525: Mr. RAHALL and Mr. MCEWEN.

H.R. 3635: Mrs. JOHNSON, and Mr. OWENS.

H.R. 3642: Mr. MADIGAN, Mr. REGULA, Mr. THOMAS of Georgia, Mr. BIAGGI, and Mr. YATRON.

H.R. 3681: Mr. NOWAK, Mr. SAWYER, and Mr. HUGHES.

H.R. 3734: Mr. RITTER.

H.R. 3745: Mr. BONKER.

H.R. 3755: Mr. HAWKINS, Mr. MCNULTY, Mr. EVANS of Illinois, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. SIKORSKI, Mr. NEAL, and Mr. ERDREICH.

H.R. 3763: Mr. FRANK, Mr. BOLAND, Mr. CONYERS, Mr. EVANS of Illinois, Mr. BEDELL, Mr. MITCHELL, Mr. FISH, Mr. MARTINEZ, and Mr. MOODY.

H.R. 3870: Mr. BATES.

H.R. 3973: Mr. WINN, Mr. MCEWEN, Mrs. BYRON, Mr. ROE, Mr. HUBBARD, JR., Mr. STANGELAND, and Mr. BEREUTER.

H.R. 3979: Mr. SYNAR, Mr. RATCHFORD, and Mr. PRITCHARD.

H.J. Res. 93: Mr. LOTT.

H.J. Res. 239: Mr. NOWAK, Mr. LEVINE of California, Mr. OLIN, Mr. DONNELLY, Mr. CONTE, Mr. LAFALCE, Mr. LOWRY of Washington, Mr. DE LUGO, Mr. EDGAR, Mr. HARRISON, Mr. HEFTEL of Hawaii, Mr. HAWKINS, Mr. RUSSO, Mr. PEPPER, Mr. CONYERS, Mr. HATCHER, Mr. YATRON, Mr. TALLON, Mr. FOGLIETTA, Mr. EDWARDS of California, Mr. DWYER of New Jersey, Mr. MURPHY, Mr. PRICE, Mr. RODINO, Mr. MINETA, Mr. SEIBERLING, Mr. MOAKLEY, Mr. LEHMAN of Florida, Mr. NEAL, Mr. RAHALL, Mr. LONG of Louisiana, Mr. DANNEMEYER, Ms. OAKAR, and Mr. HUGHES.

H.J. Res. 260: Mr. NEAL, Mr. VOLKMER, Mr. WOLPE, Mr. HALL of Ohio, Mr. DERRICK, Mr. COATS, Mr. MCCOLLUM, Mr. MADIGAN, Mr. MARTINEZ, Mr. SHAW, and Mr. STANGELAND.

H.J. Res. 289: Mr. GUARINI.

H.J. Res. 341: Mr. CHANDLER, Mr. CRAIG, Mr. LELAND, Mr. MCGRATH, Mr. MARKEY, Mr. MATSUI, Mr. SUNIA, and Mr. WON PAT.

H.J. Res. 350: Mr. MORRISON of Connecticut, Mr. GRADISON, Mr. RATCHFORD, and Mr. FROST.

H.J. Res. 375: Mr. BROWN of Colorado, Mr. BERMAN, Mr. D'AMOURS, Mr. VOLKMER, Mr. MAZZOLI, Mr. LEVIN of Michigan, Mr. HUGHES, Mr. SISISKY, Mr. KASICH, Mr. WALGREN, Mr. LEVINE of California, Mr. RATCHFORD, Mr. NEAL, Mr. COOPER, and Mr. LUKEN.

H. Con. Res. 160: Mr. MCDADE, Mr. HANSEN of Idaho, Mr. JEFFORDS, Mr. TALLON, Mr. DUNCAN, and Mr. HORTON.

H. Con. Res. 178: Mr. ANNUNZIO, Mr. DWYER of New Jersey, Mr. EDWARDS of Alabama, Mr. LUKEN, Mr. OBERSTAR, Mr. RUSSO, Mr. PRICE, Mr. SHARP, Mr. SIMON, Mr. DIXON, Mr. HAWKINS, Mr. RIDGE, Mr. LAGOMARSINO, Mr. BONER of Tennessee, Mr. WISE, and Mr. KINDNESS.

H. Con. Res. 183: Mr. BERMAN and Mr. GLICKMAN.

H. Res. 311: Mr. BETHUNE and Mr. CORCORAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

245. By the SPEAKER: Petition of Rainbow Division Veterans, Ellensburg, Wash., relative to national defense; to the Committee on Armed Services.

246. Also, petition of city of Corpus Christi, Tex., relative to the Korean civilian airliner disaster; to the Committee on Foreign Affairs.

247. Also, petition of council of the city of New York, City Hall, N.Y., relative to the Equal Access to Justice Act; to the Committee on the Judiciary.

248. Also, petition of Ancient Order of Hibernians in America, Troy, N.Y., relative to Ireland; jointly, to the Committees on Foreign Affairs and Rules.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2867

By Mr. SKELTON:

—Page , after line , insert:

NEW AND INNOVATIVE TREATMENT TECHNOLOGIES

SEC. . (a) RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.—Section 3005 is amended by adding the following new subsection at the end thereof:

"(h) RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.—(1) The Administrator may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposed to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under this subtitle. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits—

"(A) shall provide for the construction of such facilities, as necessary, and for operation of the facility for not longer than 180 days, and

"(B) shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the Administrator deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment, and

"(C) shall include such requirements as the Administrator deems necessary to pro-

tect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, insurance or bonding, closure, and remedial action), and such requirements as the Administrator deems necessary regarding testing and providing of information to the Administrator with respect to the operation of the facility.

The Administrator may apply the criteria set forth in this paragraph in establishing the conditions of each permit without separate establishment of regulations implementing such criteria.

"(2) For the purpose of expediting review and issuance of permits under this subsection, the Administrator may modify or waive permit application and permit issuance requirements established in regulations under other provisions of this section, except that there may be no modification or waiver of procedures established under section 7004(b)(2) regarding public participation.

"(3) Based upon review of data obtained from the operation of a treatment facility for which a permit was issued under this subsection (and based on such other information as may be available to the Administrator), the Administrator may—

"(A) extend such permit for one additional 180-day period, or

"(B) after notice and opportunity for a public hearing, extend the permit for an additional period of time as he may determine is necessary to complete the research, development, or demonstration.

In granting such extensions, the Administrator shall base his decisions on a showing by the applicant that additional operating time is required to determine the efficacy and performance characteristics of the innovative and experimental technology or process. In the case of an extension referred to in subparagraph (B), the decision of the Administrator shall take into consideration public comments submitted to the Administrator.

"(4) The Administrator may order an immediate termination of all operations at the facility at any time he determines that termination is necessary to protect human health and the environment.".

COMMUNITY RELOCATION

—Page , after line , insert:

SEC. . (a) The second sentence of paragraph (23) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510) is amended by inserting after "not otherwise provided for", the phrase "costs of permanent relocation of residents where it is determined that such permanent relocation is cost effective or may be necessary to protect health or welfare," and by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: "In the case of a business located in an area of evacuation or relocation, the term may also include the payment of those installments of principal and interest on business debt which accrue between the date of evacuation or temporary relocation and thirty days following the date that permanent relocation is actually accomplished or, if permanent relocation is formally rejected as the appropriate response, the date on which evacuation or temporary relocation ceases. In the the case of an individual unemployed as a result of such evacuation or relocation, it may also include the provisions of the assistance authorized by sections 407, 408, and 409 of the Disaster Relief Act of 1974;".

(b) Section 104(c)(1) of the Comprehensiver Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510) is amended by inserting before "authorized by section (b) of this section," the phrase "for permanent relocation or".

H.R. 2968

By Mr. SOLOMON:

—Page 7, after line 11, insert the following new section:

EXTENSION OF IDENTITIES PROTECTION

SEC. 204. Section 606(4) of the National Security Act of 1947 (50 U.S.C. 426(4)) is amended to read as follows:

"(4) The term 'covert agent' means—

"(A) an officer or employee, or former officer or employee, of an intelligence agency or a member or former member of the Armed Forces assigned or formerly assigned to duty with an intelligence agency—

"(i) whose identity as such an officer, employee, or member is classified information; and

"(ii) who is serving or has served outside the United States; or

"(B) a United States citizen whose intelligence relationship to the United States is classified information, and

"(i) who resides and acts, or has resided and acted, outside the United States as an agent of, or informant or source of operational assistance to, an intelligence agency; or

"(ii) who is acting or has acted as an agent of, or informant to, the foreign counterintelligence or foreign counterterrorism components of the Federal Bureau of Investigation; or

"(C) an individual, other than a United States citizen, whose past or present intelligence relationship to the United States is classified information and who is a present or former agent of, or a present or former informant or source of operational assistance to, an intelligence agency.".

H.R. 3231

By Mr. BEREUTER:

Amendment to the amendment in the nature of a substitute (text of H.R. 3646).

—Page 25, strike out line 4 and all that follows through "imminent." on line 16.

By Mr. FRENZEL:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).

—Page 27, line 4, strike out "The first sentence of section" and insert in lieu thereof "Section"; and

Page 27, line 12, strike out the quotation marks and the last period, and insert in lieu thereof the following: "The authority granted by this subsection shall be exercised by the Secretary, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the United States Trade Representative, and such other departments and agencies as the Secretary considers appropriate, and shall be implemented by means of export licenses issued by the Secretary.".

H.R. 3648

By Mr. EVANS of Illinois:

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

EMPLOYMENT VACANCY FILING

SEC. 214. Section 704(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797c(c)) is amended—

(1) by inserting "(1)" after "VACANCY NOTICES.—"; and

(2) by adding at the end a new paragraph as follows:

"(2)(A) As soon as the Board becomes aware of any failure on the part of a railroad to comply with paragraph (1), the Board shall issue a warning to such railroad of its potential liability under subparagraph (B).

"(B) Any railroad failing to comply with paragraph (1) of this subsection after being warned by the Board under subparagraph (A) shall be liable for a civil penalty in the amount of $1,000 for each vacancy with respect to which such railroad has so failed to comply.".

H.R. 3958

By Mr. EDGAR:

—On page 2, line 12, strike "$103,096,000" and insert in lieu thereof "$50,000,000".

On page 3, line 19, strike all after the period through the period on line 21 and insert, in lieu thereof, "Notwithstanding any other provision of this Act, no funds appropriated by this Act may be used to carry out projects not authorized by law.".

H.R. 3959

By Mr. ALEXANDER:

—Page 8, after line 5, insert the following new title:

TITLE III

AGRICULTURAL EMERGENCY ASSISTANCE

SEC. 301. Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following: "Eligibility of an applicant for assistance under this subtitle based upon production losses shall be determined solely on the basis of the factors designated in this section and shall not be affected by the Secretary's failure to designate a county or counties for emergency loan purposes, except that the applicant must establish to the satisfaction of the Secretary that such losses were sustained as a result of such disaster. The determinations of the Secretary under this section shall be final unless found by a court of competent jurisdiction, on the basis of the administrative record, to have been arbitrary, capricious, or otherwise not in accordance with law or regulations issued in accordance with law.".

SEC. 302. Notwithstanding any other provision of law, the Secretary of Agriculture shall, within thirty days of receipt by a county office of the Farmers Home Administration of an application for a loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.), advise the applicant for such loan, in writing, of approval of disapproval of the application. Failure to advise an applicant, in writing, of approval or disapproval of the application within this time period shall constitute approval of the application.

SEC. 303. (a) Any finding made by the Secretary of Agriculture under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), during the period beginning on July 1, 1983, and ending on September 30, 1984, that a natural disaster exists with respect to farming and ranching operations in an area shall be deemed to be a determination made by the Secretary that an emergency exists in such area for purposes of—

(1) section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), and

(2) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267).

(b) The Secretary of Agriculture shall exercise his authority—

(1) under—

(A) section 913 of the Agricultural Act of 1970 (7 U.S.C. 1427a), without regard to any limitation specified in subsection (c) or (d) of such section, to sell grain at a price not less than 75 per centum of the current basic county loan rate for such grain in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate), or

(B) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267) to provide assistance, or

(2) in accordance with both subparagraph (A) and subparagraph (B) of paragraph (1) to sell grain and provide assistance,

to eligible farmers and ranchers for the preservation and maintenance of foundation herds of livestock and poultry (including their offspring) until September 30, 1984, or such earlier date that the Secretary determines such emergency no longer exists.

(c) For the purposes of this section, the term "eligible farmers and ranchers" means farmers and ranchers who are eligible to receive loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961).

By Mr. BARTLETT:

—Page 8, after line 5, insert the following new section:

VOCATIONAL REHABILITATION SERVICES

SEC. 202. For the purposes of section 100(b)(1) of the Rehabilitation Act of 1973, $1,037,800,000 is appropriated for the fiscal year ending September 30, 1984.

By Mr. BEVILL:

(Substitute amendment.)

—at the appropriate place, insert the following:

CLINCH RIVER BREEDER REACTOR

For construction and operation of the Clinch River Breeder Reactor project authorized by Public Law 91-273 as amended, $1,500,000,000, to be available until expended but contingent upon commitments, satisfactory to the Secretary of Energy, for utility and private sector financial participation for a minimum of 40 per centum of the Department of Energy estimate of remaining capital costs as reported to Congress on March 15, 1983. In addition to the amounts herein appropriated and in consideration for such financial participation, the Secretary is authorized to contract to (1) provide to participants ownership interests in the project, products, services and/or revenues from the project, (2) repay funds invested by the participants subsequent to the passage of this Act, plus interest, if the project is not completed, not licensed for operation, or terminated at any time, (3) insure revenues from the project for the repayment of debt, and (4) indemnify participants and the operator against uninsured liabilities with respect to the project. Such contracts may be assigned and shall be enforceable against the United States in accordance with their terms except in the case of fraud by the assignee. Participation in the project shall not subject a participant to regulation under the Public Utility Holding Company Act of 1935. All monies received by the Secretary under this heading may be retained and obligated for the purposes of the project and shall remain available until expended. Of the $1,500,000,000 appropriated by this heading, up to $270,000,000 may be obligated during fiscal year 1984, of which $135,000,000 may be obligated notwithstanding any other provision of this heading; and up to the following amounts may be obligated during the following fiscal years: $285,000,000 during 1985; $290,000,000 during 1986; $290,000,000 during 1987; $185,000,000 during 1988; $75,000,000 during 1989; $105,000,000 during 1990 and beyond: *Provided,* That at least $90 million of the total funds available shall be used for negotiating or otherwise letting contracts or subcontracts to minority business enterprises.

By Mr. CONTE:

—On page 8, after line 5, insert the following new section.

Funds appropriated in the Department of Education Appropriations Act, 1983 (Public Law 97-377) for "Special Programs" shall remain available until September 30, 1984: *Provided,* That of the amount appropriated in said Act, $28,765,000 shall be available only to carry out the programs and projects selected by the Secretary of Education, in accordance with the Secretary's priorities and procedures, including the National Diffusion Network, and Law Related Education, authorized under subchapter D of the Education Consolidation and Improvement Act; $24,000,000 shall be available only for grants to state education agencies and desegregation assistance centers authorized under Title IV of the Civil Rights Act of 1964; $19,440,000 shall be available only to carry out the activities authorized under the Follow Through Act; $5,760,000 shall be available only to carry out the activities authorized under Title IX, Part C of the Elementary and Secondary Education Act; $1,920,000 shall be available only to carry out the activities authorized under section 1524 of the Education Amendments of 1978; and $960,000 shall be available only to carry out the activities authorized under section 1525 of the Education Amendments of 1978: *Provided further,* That the Department of Education is directed to obligate these funds immediately for the purposes specified herein.

By Mr. COUGHLIN:

—Page 5, after line 5, insert the following new paragraph:

"No part of the funds appropriated under this Act may be obligated or expended for the continuation of the Clinch River Breeder Reactor Project or, except to the extent specifically authorized in legislation hereafter enacted, for the implementation of an alternative financing arrangement with respect to such Project.".

—Page 6, after line 18, insert the following new paragraph:

SEC. 104. "No part of the funds appropriated under this Act may be obligated or expended for the continuation of the Clinch River Breeder Reactor Project or, except to the extent specifically authorized in legislation hereafter enacted, for the implementation of an alternative financing arrangement with respect to such Project.".

By Mr. FAZIO:

—Page 8, after line 5, insert the following:

SEC. 202. (a) Notwithstanding any other provision of law, no funds appropriated by this or any other Act or resolution may be used until May 15, 1984 to repeal, amend, or otherwise modify the applicability of section 73.658(j)(1)(i) of title 47, Code of Federal Regulations (commonly known as the "Syndication Rule"; 23 F.C.C. 2d 382); section 73.658(j)(1)(ii) of title 47, Code of Federal Regulations (commonly known as the "Financial Interest Rule"; 23 F.C.C. 2d 382); and section 73.658(k) of title 47, Code of Federal Regulations (commonly known as the "Prime Time Access Rule"; 23 F.C.C. 2d 382).

(b) Subsection (a) shall not limit the authority of the Fedeal Communications Commission to modify the provisions or applicability of any rule referred to in subsection (a) with respect to any network which has fewer than 150 television licensees affiliated with such network and such licensees carry not more than 25 hours per week of programming from the inter-connected program service offered by such network as of the date of the enactment of this joint resolution. As used in this section, the term "network" has the meaning given such term in section 73.658(j)(4) of title 47, Code of Federal Regulations (as in effect August 1, 1983).

By Mr. LAFALCE:

—Page 7, after line 23, insert the following new chapter:

CHAPTER V—DEPARTMENT OF EDUCATION

SPECIAL INSTITUTIONS

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For an additional amount for the "National Technical Institute for the Deaf," $1,700,000.

GALLAUDET COLLEGE

For an additional amount for "Gallaudet College, $3,590,000.

By Mr. LOEFFLER:

—Page 8, after line 5, insert the following new title:

TITLE III

AGRICULTURAL EMERGENCY ASSISTANCE

SEC. 301. Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following: "Eligibility of an applicant for assistance under this subtitle based upon production losses shall be determined solely on the basis of the factors designated in this section and shall not be affected by the Secretary's failure to designate a county or counties for emergency loan purposes, except that the applicant must establish to the satisfaction of the Secretary that such losses were sustained as a result of such disaster. The determinations of the Secretary under this section shall be final unless found by a court of competent jurisdiction, on the basis of the administrative record, to have been arbitrary, capricious, or otherwise not in accordance with law or regulations issued in accordance with law."

SEC. 302. Notwithstanding any other provision of law, the Secretary of Agriculture shall, within thirty days of receipt by a county office of the Farmers Home Administration of an application for a loan under subtitle C of the consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.), advise the applicant for such loan, in writing, of approval or disapproval of the application. Failure to advise an applicant, in writing, of approval or disapproval of the application within this time period shall constitute approval of the application.

SEC. 303. (a) Any finding made by the Secretary of Agriculture under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), during the period beginning on July 1, 1983, and ending on September 30, 1984, that a natural disaster exists with respect to farming and ranching operations in an area shall be deemed to be a determination made by the Secretary that an emergency exists in such area for purposes of—

(1) section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), and

(2) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267).

(b) The Secretary of Agriculture shall exercise his authority—

(1) under—

(A) section 913 of the Agricultural Act of 1970 (7 U.S.C. 1427a), without regard to any limitation specified in subsection (c) or (d) of such section, to sell grain at a price not less than 75 per centum of the current basic county loan rate for such grain in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate), or

(B) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267) to provide assistance, or

(2) in accordance with both subparagraph (A) and subparagraph (B) of paragraph (1) to sell grain and provide assistance,

to eligible farmers and ranchers for the preservation and maintenance of foundation herds of livestock and poultry (including their offspring) until September 30, 1984, or such earlier date that the Secretary determines such emergency no longer exists.

(c) For the purposes of this section, the term "eligible farmers and ranchers" means farmers and ranchers who are eligible to receive loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961).